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ABSTRACT

The report, presented to the Planning and Policy Committee of the Illinois State Board of Education, summarizes public comment (public hearings, letters, briefings, and research reports) concerning a preliminary report of instructional mandates for handicapped children in Illinois. Eight major issues are considered in terms of preliminary report findings and recommendations, and public comment. A brief summary statement is given. The following issues are addressed: existence of a mandate for special education; population to be served (age and category eligibility, and suspension and expulsion); types of services provided (continuum of program options, least restrictive environment, related services, and summer school); responsibility for special education services (free education, joint agreements, and advisory boards and councils); the state's role in regulating services (class size, personnel, "child find," nondiscriminatory assessment, placement, and due process); need for further research; approaches to eliminating paperwork without losing accountability; and state actions to be taken to make needed change in mandates. (CL)

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ANALYSIS OF PUBLIC COMMENT: PRELIMINARY REPORT OF SPECIAL EDUCATION MANDATES

Presented to the
Planning and Policy Committee
STATE BOARD OF EDUCATION

November 18, 1982

Chicago, Illinois

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ANALYSIS OF PUBLIC COMMENT: PRELIMINARY REPORT OF SPECIAL EDUCATION MANDATES

Background

On November 21, 1981, the Planning and Policy Committee, State Board of Education, formally received a staff report, Special Education Mandates: A Preliminary Report. The Report contained sections dealing with the major assumptions and methodology for the study, the Illinois legislative history and federal statutory authority for special education, the current State Board of Education policy statement, the staff analysis by major issue and concept, a summary of findings and conclusions, and the preliminary recommendations for action by the State Board of Education. Following a period of public comment and Board discussion, it was expected that final staff recommendations would be presented to the Planning and Policy Committee for action and submission to the full Board.

Purpose

The major objectives of this paper are to describe the sources of public comment, the testifers at the two public hearings, the procedures taken to obtain additional public comment following the hearings, and to integrate and analyze the various commentary. An overall analysis of the commentary is provided as well as specific, detailed commentary. Additionally, the paper will describe the dissemination of the preliminary report as well as staff activities to obtain further information leading to the preparation of final staff findings and recommendations relative to Illinois special education mandates.

Description of Dissemination Plan

Since the release of the preliminary report to the Committee, nearly 6,000 copies have been printed and disseminated by the agency. Almost 30 major education and special education associations, 11 legislative commissions or executive branch departments, and at least six state agencies were sent copies. See Appendix A for a complete listing.

In addition, copies were sent to all individual requestors, several federal government employees involved in special education, and all assistant superintendents in the State Board of Education. Education deans or department chairs in all Illinois institutions of higher education having special education programs were also sent copies to receive further comment. Further, the preliminary report has been accepted by Educational Resources Information Center (ERIC) and is available to interested parties nationwide. Copies of the Phase I mandates report will be mailed to all Chief State School Officers and the Education Commission of the States in the near future.

Sources of Public Comment

Public comment about the preliminary report took many forms: public hearings; letters to the State Superintendent, State Board of Education members, and staff; an analysis from the Department of Specialized Educational Services; briefings with association, commission and legislative staff members; and course syllabi and research reports (from institutions of higher education - special education departments.)

Hundreds of school children and parents sent letters to the Superintendent. (Where possible to read the addresses, all received a reply.) Several petitions were sent.

Last, the press coverage and articles provided another source of public comment. The press covered the two public hearings, held on January 27, 1982 in Springfield, and on February 10, 1982 in Chicago. Several press articles appeared as a result of testimony given at those hearings and are included in Appendix B of this report.

Public Hearing Testifiers

The number of organizations and/or individuals who provided testimony to the Planning and Policy Committee, State Board of Education, was at least 80. A compilation by organizational or categorical representation is included in Appendix C. Nearly 25% of the testimony came from directors of local or regional programs. The next largest group of testifiers (16%) were parents.

Procedures Taken to Obtain Additional Comment

In addition to special education interests, attempts were made to solicit responses from other sources in order to obtain a variety of perspectives. As a result, additional comment was received from eight other groups, including school administrators, state schools, code agencies, and local boards. A list of these groups can be found in Appendix D.

For the most part, the commentary from the other state agencies focused on the recommendation calling for a better system of interstate agency cooperation. (They had been asked to specifically address that particular recommendation.) The Governor's Purchased Care Review Board similarly addressed this issue but also commented extensively on funding. The two professional associations and two schools addressed the wide range of issues and concepts contained in the preliminary report.

In cooperation with the Illinois Association of School Administrators Liaison to the State Superintendent, a special response form was developed and disseminated to all local superintendents. (See Appendix E.) They were asked to indicate the extent to which they agreed or disagreed with the following statement: "In general, I support the findings and recommendations in the Preliminary Report on Special Education Mandates: Strongly Agree; Agree; Uncertain; Disagree; or Strongly Agree." Also, they were asked to recommend specific changes in the report. A total of 156 superintendents or their designees selected this method for response. Of

this group, 72.5% indicated that they strongly agreed or agreed with the findings and recommendations contained in the preliminary report. More than 460 written comments were received on specific topics.

On March 18, 1982, a briefing was held for legislative and executive branch staff having responsibility for education. Staff attending were from the Senate Republicans, Senate Democrats, House Republicans, House Democrats, and Bureau of the Budget.

Summary of Overall Commentary

Public comment generally focused on aspects of the preliminary report, but by no means was public comment limited to the report. Perhaps due to the ongoing federal review of special education regulations, considerable concerns about the economics situation, and the fact that the special education preliminary report was the first of five State Board of Education reports to review all the instructional mandates for elementary and secondary education, there was a great amount of comment related to expressions of "saving the mandate" and "don't cut the funding for special education." Further, there were many references made to the Board's "demandating" study even though the aim of the study was a critical, deliberative, and objective review, providing the opportunity to assess the need for strengthening or introducing mandates if warranted as well as modifying or eliminating unnecessary, outdated, or redundant mandates.

Overall, however, there were several findings and/or recommendations made in the staff preliminary report which received no or little comment, some which received significant favorable response, and others which received almost totally negative response. Additional staff study seemed warranted in a few of the cases. A summary of this public commentary follows:

1. No testimony was received from any source recommending that the special education statute be eliminated. There is widespread recognition that the special education mandate serves a compelling state interest, that of assuring equal educational opportunity. Specific recommendations were made regarding changes in regulation, however.

2. Most of the comments disagreed with the recommendation to lower the age range level from the statutorily identified three to one years of age or point of first identification, but the proposed change was acceptable if full funding were provided. There was a general recognition that such a change could be beneficial to children. Additional staff study is taking place.

3. Relative to the recommendation to eliminate categories, there was a willingness among some groups to explore alternatives and a recognition of the lack of preciseness and overrepresentation of some children in certain categories. Additional staff study is taking place.

4. The preliminary recommendation to eliminate the least restrictive environment was controversial and produced quite varied responses. Additional staff study is taking place.

5. There appeared to be recognition that a continuum of program options need not be mandated if other mandates were in place.

6. There was general agreement that school officials appear to need further information concerning the requirements for suspension and expulsion of handicapped students.

7. There was general agreement with the recommendation to identify criteria relative to whether certain related services are directly related to instruction and should be provided by the public schools.

8. Most of the testimony received about summer school disagreed with the preliminary recommendation to eliminate the summer school requirement as achieved through the Individualized Educational Program. Benefits were said to exist. Additional staff study is taking place.

9. There was agreement with the preliminary finding that the concept of "free education" needs to be more specifically defined in regulation.

10. Several recommendations had been given in the staff report to improve the effectiveness and efficiency of joint agreements. Public comment generally indicated disagreement about the role of the regional superintendent in the administration of multi-district special education operations.

11. There was almost universal support for the preliminary recommendation to seek the cooperation and participation of the Governor and General Assembly in developing a system for interagency cooperation which guarantees a full spectrum of human service.

12. The preliminary report recommended the elimination of state mandated advisory councils in special education. Public comment indicated that there was disagreement about the need for the mandate, but not the need for the purpose such councils serve.

13. Principles for state regulatory activity in special education were proposed in the preliminary report. In general, many parents and some program people expressed strong doubts that, in the absence of prescriptive mandates, decisions at the local level would be made in the best interests of children.

14. There was a desire on the part of some people providing testimony for more flexibility in the class size regulation; others were concerned that more flexibility will be damaging to a child's educational program. Additional staff study is taking place.

15. There was controversy concerning the recommendation for elimination of age range groupings. Additional staff study is taking place.

16. Most of the public comment appeared to support the need for flexibility in the mandate for personnel qualifications but there were fears expressed that such flexibility meant that no qualifications or training would be required.

17. There was little reaction to the staff recommendation to maintain child-find activities.

18. There was general agreement that the mandate for the diagnostic and evaluation process could be implemented differently and that the regulation could be simplified.

19. There were many comments made about the Individualized Educational Program. None disputed its overall usefulness, but many argued for simplification of the current mandate. There was considerable support for modifying the mandate.

20. Public comment seemed to support some modification of the due process procedure in order to reduce the adversarial aspect currently associated with the process.

21. There was support for the additional research and development activities identified in the preliminary report.

22. Little public comment was received regarding the recommendation to consolidate and simplify reporting of special education data.

23. Little public comment was received regarding the recommendation for a moratorium on state and federal laws dictating additional responsibilities for special education on the local or state education agency. Most testifiers either ignored the recommendation or expressed disbelief that the state could influence federal mandates.

A specific analysis of commentary by issue, finding, or recommendation made in the preliminary report follows in this section:

Analysis of Public Comment by Issue, Finding, and Recommendation

For the purposes of this analysis, various commentary was extracted and reviewed by the selected mandate issues, concepts, and preliminary recommendations. The appropriate preliminary report finding and recommendation are repeated verbatim under each issue. A summary of the public comment is presented in this section of the paper. This analysis attempts to show the variety of responses associated with a particular finding or recommendation and present the overall conclusion which can be drawn from the testimony.

The major concepts selected for the initial review of the special education mandates were:

Due Process	Diagnosis & Evaluation	Personnel
Child Find	Placement	Free Education
Individualized Education Plan	Continuum of Program Options	Joint Agreement District
Related Services	Categories	State Education Agency
Expulsion/Suspension	Age Range Groupings	Advisory Boards and Councils
Nondiscriminatory Assessment	Class Size	Other State Agencies
Ages Served	Summer School	
Parent Participation	Least Restrictive Environment	

The structure of this analysis will be to (1) present the initial issue, preliminary report finding, and recommendation (2) identify the variety of perspectives presented by the public, and (3) summarize the overall commentary.

Issue 1: Should there be a mandate for special education?

Preliminary Finding:

The State mandate for providing a free and appropriate public education for all handicapped children in Illinois reflects a compelling State interest, that of equality of opportunity. The history of special education shows that this interest can be guaranteed only at the State level and through State mandate. Most of the arguments concerning the special education mandate could be eliminated through revisions of the statute and regulations. Therefore, the mandate for special education should be maintained but modified.

Preliminary Recommendation:

The State Board of Education should reaffirm its commitment to the general goals of special education and to the provision of a free appropriate public education for all handicapped children in Illinois. However, its policy statement on special education, adopted February, 1978, should be modified. The following components should be included in a new policy statement on special education:

-- A right-to-education policy for all children;

-- Instruction provided at no cost to parents when children are placed by the local or state education agency;

-- Guarantee of procedural safeguards, due process, and nondiscriminatory assessment;

-- Individual education plans for each handicapped student;

-- A comprehensive, efficient, and flexible personnel system;

-- An intensive and continuing search for handicapped children in Illinois;

-- State education agency supervision of all education programs for handicapped children within Illinois; and,

-- Rights and guarantees applied to children in private or other state-funded schools, as well as public schools.

This change in policy removes the least restrictive environment component, deletes the age range, changes the wording of the IEP to better reflect its intent, and modifies the wording regarding personnel to allow for more flexibility.

Public Comment

In general, public comment ranged from such general responses as not changing any aspect of the statute to recommendations about specifics changes. Many parents and special education advocates appeared to perceive any change as a "threat" to hard-won gains made over time. No testimony was received from any source recommending that the special education mandate be eliminated in total. There is recognition that the special education mandate serves a compelling state interest, that of assuring equal educational opportunity.

Administrator groups indicated, however, that "an inordinate amount of time and resources have been required" for special education, "often at the expense of other programs and individual students." Further, "regulations placed upon special education have far exceeded those applied to other segments of education." Specific suggestions in regulation were frequently made and will be articulated in greater detail later in this paper.

Issue 2: Who should be served in special education?

Preliminary Finding:

The identification of those students who should be served by special education has traditionally been accomplished through mandates establishing eligibility. Currently, a student may receive special education services if he or she is (or has):

-- A resident in the local district;
-- Within the established age range;
-- Enrolled in the public school, even through attending a parochial or nonpublic school;
-- Demonstrated the exceptional characteristics defined as handicapping, regardless of level of severity; and
-- Not been graduated

This particular issue was examined relative to the concepts of ages served, categories, and suspensions/expulsions.

a. Ages Served.

Preliminary Finding:

The State's compelling interest in education requires establishment of mandatory school attendance between specified ages in order to provide an appropriate education. Since efficiency is also a principle which reflects a State interest, providing education for handicapped children beyond the normal range may be viewed as yielding greater efficiency over time.

Because of the demonstrated benefits of providing special education as early as possible, the task force believes that the feasibility of lowering the required age range from 3 to 1 year, or to the point of first identification, and requiring increased screening efforts, should be examined. The upper age limit of 21 should be maintained for the present, since it is consistent with the upper age limit for non-handicapped students. However, the benefits of schooling realized by handicapped students at the upper end of the age range should be studied, and this limit considered as a part of the Board's later analysis of the general issue of school age mandates.

Public Comment

Public comment varied considerably on this finding. Most advocates and administrator groups disagreed with lowering the age range level from the statutorily identified 3 to 1 or point of first identification, particularly without additional funding. Comments included the following:

- Strongly disagree with lowering the 3 year age level. . . but permissive language might be all right.
- Lowering the age to 1, while laudatory, would further dilute the resources of the school. It would also be very difficult (to administer) in terms of transportation, teacher certification, and criteria for program admittance.
- Any change in age range must be accompanied by appropriate fiscal resources.
- Costwise, our 0 to 3 program paid off in parent education and provision of services to children.
- Early identification is one of the best means of prevention.
- While there is good evidence of the benefits of early education, we believe other agencies providing birth to three programs are adequate.

In summary, there was concern about the role of the school, and other social agencies and the financing associated with lowering the age for eligibility, but a general recognition that such a change could be beneficial to children.

b. Categories

Preliminary Finding

There appear to be many problems with classification of children as a means for determining who should be served in special education. Some categories are not sufficiently precise. There is disproportionate representation of students among the categories, which suggests that the assignment of a student is related to social and cultural factors rather than educational factors. No compelling State interest was found to be served by the categorization system. Since there are other options available for determining eligibility and placement and for reporting and monitoring, it is recommended that the regulations specifying categories be eliminated.

Public Comment

Public comment about categories included:

- I have a real aversion to labeling human beings for administrative convenience.
- Categories are needed for administrative purposes.
- We could not support any movement toward decategorization without another effective system to take its place. It would be easy to replace the present categorical system with another one that is equally problematic.
- Categories do not determine who shall be served, the multidisciplinary evaluation process does. Before we eliminate regulations specifying categories, we should clearly identify other options.
- Criteria could be developed to give guidance to the field as to judging the applicability of a particular category in the interest of more consistent diagnosis. Such criteria would decrease the number of children who could be better served in regular or remedial education.
- Elimination of special education categories per se will not reduce the problem of disproportionate representation of some students. It is more appropriate to more clearly define exceptional characteristics.
- Categories should be retained in order to intelligently communicate information about these children and as a starting point in placement...categories in regard to programs for children should be eliminated. "EH" category should be eliminated.
- If categories are abolished, the districts will have an open license to set up non-categorical dumping grounds.

In summary, public comment focused on the need for classification systems in order to properly place a child in a particular program. There was a willingness of some groups to explore alternatives and a recognition of the lack of preciseness and overrepresentation of some children in certain categories.

c. Suspension and Expulsion

Preliminary Finding:

Mandates on these concepts were found to be acceptable although district officials appear to need further information concerning these requirements.

Public Comment

Public comment was mostly, but not entirely, from administrative groups, and included the following:

- Special education students should be treated as nearly like other students as possible, particularly emphasizing due process procedures.
- "BD and LD" students can get by with unacceptable behavior just because they are handicapped.
- Two standards -- one for regular education students and one for special eduation pupils--exist. Further information is necessary for a consistent policy.
- The present situation is clearly reversed discrimination. It is almost impossible to suspend a special education student who exhibits the same behavioral traits that would cause a normal (regular education) student to be suspended.

On this issue -- suspension and expulsion -- there are rights given to the handicapped child that are not given to other children. The different application and interpretation is viewed as a concern. There was no basic disagreement with the report finding.

Issue 3. What special education services should be provided?

Mandates which respond to the issue of the services to be provided were analyzed through the following concepts: continuum of program options, least restrictive environment, related services, and summer school.

a. Continuum of Program Options

Preliminary Report:

The task force found no compelling State interest in this concept and no evidence to support the premise that the desired condition could only be achieved by prescription by the State. Since the identification of appropriate program options can best be made at the local level by professional educators and parents of handicapped children, and since other mechanisms (e.g., the IEP and due process) can be used to guarantee an appropriate educational placement for individual children, regulations and statutes prescribing the program options should be eliminated.

Public Comment

Public comment about program options included the following:

- Agree that program option decision is best made at the local level but disagree that these regulations, which are the basis for local decision making, be eliminated.
- Without these statutory guidelines, cost could become the primary factor in placement.
- Youngsters should be placed in the most normalized education setting appropriate to their needs and based on their handicap.
- Regulations and statutes prescribing program options should be eliminated only if the mandate for programming in LRE is retained.
- If the essential components of the IEP and impartial due process protection along with least restrictive environments were preserved, monitored and enforced, we would agree with the task force statement.
- I agree that a continuum of services doesn't have to be mandated. However, each joint agreement should file a plan with the state indicating available program options.

In sum, there appeared to be some recognition that a continuum of program options need not be mandated if other mandates were in place.

b. Least Restrictive Environment

Preliminary Finding:

Conflicting evidence exists about the value of this concept. Further, a compelling State interest is not served by the mandate. The mandates for IEP, diagnosis and evaluation, placement, and due process can assure, in the absence of a least restrictive environment mandate, that the individual needs of the child are being met. Therefore, it is recommended that the least restrictive environment mandate be removed.

Public Comment

This recommendation appeared to be interpreted by some parents as a call to "segregate the handicapped" and to keep handicapped children out of society's mainstream. But, there remains a great deal of controversy about the relative effectiveness and application of this particular mandate. Public comment included:

- We are not raising our daughter to grow up and live in a segregated situation.

- To suggest that the mandates for the IEP, diagnosis and evaluation, placement and due process can assume the individual needs of the child are being met is absurd.

- Perhaps by taking the LRE emphasis out of the rules and regulations, we can get back to thinking of the needs of children vs. how much integration they must have with nonhandicapped.

- It was pleasing to note that there was a recommendation to eliminate references to "the least restrictive environment" language. For those of us who are deaf, or in deaf education, this language was a particular problem.

In summary, the placement of a child into a given instructional environment appears to be one in which many individual factors must be taken into consideration. The least restrictive environment is not automatically the best placement for all but is extremely important to prevent segregation. There appears to be agreement that there is a need to clarify the concept. More research seems warranted.

c. Related Services

Preliminary Finding:

This concept represents a major extension of services traditionally provided by the public schools, and school officials report being burdened by costs related to services which are not instructional. Currently, there are over 30 different related services offered; however, the State lacks criteria for determining whether these services are directly related to instruction. Extensive clarification is needed to determine what services should be provided by the public schools.

Public Comment

At the time that the preliminary report was written, the Claudia K case was about to be decided by the Illinois Supreme Court. It was hoped by many that the decision would shed light on what services were the responsibility of school districts to finance. The decision did not do this, and concern still remains.

Public comment in general reflects this concern:

- No concept has raised as much concern among boards of education as that of related services. The obligations of the school have been greatly extended and many of the decisions requiring specialized services are being litigated. Schools are educational institutions and their obligations should be limited to the provision of educational services. Government may have an obligation to provide related services, but that should not be the obligation solely of local districts and the State Board of Education. We urge refinement of the criteria in order to permit determination of those services directly related to public education.

- Physical, occupational, and psychotherapy represent a major extension of public school responsibility into areas that should not be classified as educational. Criteria should be developed to measure whether the service can be demonstrably related to instruction. Too many fragmented related services during the instructional day can be detrimental to the child's total educational program.

- Eliminate all related services except those essential to education of the child.

- Therapy is an essential component of the instructional program. Without occupational therapy, my son would not have head control...to see what is going on in the classroom. OT teaches him eye-hand motor control which enables him to receive writing instruction. Physical therapy will strengthen his muscles so that he can get to a classroom, sit at a desk, and be mobile in the classroom.

- Because of a lack of criteria at the state and federal level, courts are making determinations about provision of related services that no one in our communities would define as educational.

In summary, most of the public comment urge that criteria be developed for determining whether related services are directly related to instruction. The recommendation of the preliminary report appears to be generally supported.

d. Summer School

Preliminary Finding:

Summer school for handicapped students is not a mandate, but an IEP requiring an extended school year has the effect of a mandate. There is little evidence to support or reject the need for summer school. No compelling State interest is served by requiring summer school. Therefore, the summer school requirement achieved through the IEP should be eliminated.

Public Comment

Public comment, in general, indicated a great deal of disagreement with the preliminary report finding. Representative of this disagreement were the following comments:

- Special education students, especially those moderately retarded or more, can be expected to lose as much as six months of learning when there is a two to three month break in continuity and practice.

- Summer school is a crucial component of my child's educational program. Without it, much of the progress of the school year is lost.

- Recommendation for summer school should be individually determined at the annual review and recorded on the student's IEP.

- o 12 month programming is necessary to prevent institutionalization of severe and profoundly handicapped children.

- o An extended school year is critical to the deaf/blind population for the maintenance of their educational program. An IEP requiring summer school must be honored. Documentation does exist on benefits.

Clearly, this is a topic in the preliminary report where further analysis and research seems warranted.

Issue 4: Who should be responsible for special education services?

The concepts analyzed under this issue are free education, districts, joint agreements, State Board of Education, other state agencies, and advisory boards and councils.

a. Free Education

Preliminary Finding:

While this concept represents a clearly compelling state interest, there is much confusion about what constitutes "free education". Clarification of this issue should consider the following suggestions:

(1) Narrow the current scope of related services to include only those items which are essential components of, or adjuncts to, the instructional program for handicapped students;

(2) Define medical services in relation to school-age handicapped students (e.g., what is evaluation versus what is ongoing service);

(3) Delineate what fees parents may/must pay (e.g., laboratory fees, book fees, copies of records);

(4) Require third party payors to pay (e.g., insurance companies);

(5) When residential services are involved, require parental payment/Public Aid/Mental Health to pay for room and board aspect, if possible;

(6) Define responsibility for residency and enrollment so that the Illinois State Board of Education is financially responsible only for Illinois students; and,

(7) Delineate the conditions for providing service for pupils attending parochial schools, so that public school districts pay only for special education and related services.

Except for pleas from testifiers at the public hearings "not to reduce special education funding," little testimony on this topic was received from advocates, parents, or special interest groups on this concept. Illustrative of some administrator or management groups' comments were:

- We need to look at another way to support special education, other than the property tax...a state income tax, perhaps.

- (We) believe that legislation pertaining to the special education of handicapped children by the state and federal government without full funding is discriminatory to the majority of the children by forcing local districts to fund these special education programs at the expense of regular programs.

- There is a good deal of confusion, in regular education as well as special education, about what constitutes a free education. Staff provided several suggestions for clarifying that concept that we think should be pursued.

In general, public comment focused on problems of funding special education but there seemed to be agreement that "free education" should be more specifically defined.

b. Districts

Preliminary Finding:

The district must remain responsible for service to all its eligible special education students. A compelling State interest is reflected in this concept and a State statute is necessary to fix such responsibility. This mandate should remain as stated.

Public Comment

No testimony was noted or received on this finding.

c. Joint Agreements

Preliminary Finding:

Although joint agreements serve a valuable function in the efficient delivery of special education services, there is potential for greater effectiveness and efficiency. The following changes should be considered:

(1) Alter geographic boundaries in order to permit clusters of classes without regard to joint agreement or county lines;

(2) Provide services at the level closest to a child's home so that high incidence pupil services (e.g., "learning disabilities," "speech/language") are provided by the district, with only supervision provided through the joint agreement;

(3) Develop a comprehensive plan for low incidence pupils (e.g., "deaf/blind", "severely handicapped") in areas larger than a single joint agreement in order to prevent duplication of services, (e.g., services for autistic students to be delivered across two joint agreements;

(4) Contract for unique or high cost support or related services across two or more joint agreements - e.g., psychiatric consultations or mobility specialist; and

(5) Consider Educational Service Regions for the administration of multi-district operations.

Public Comment

Most, but not all, of the public comment concerning greater effectiveness and efficiency of joint agreements focused on the suggestion that the regional superintendent should be considered for the administration of multi-district operations:

- Joint agreements should be made up of surrounding districts because of education needs and not according to predetermined ESR boundaries.
- Permit clusters of classes without regard to joint agreements or county lines. High incidence pupil services should be provided at the district level, with supervision only provided by the joint agreement.
- We do not support the consideration of the ERS's as administrators of multidistrict operations. Previous experience has shown political interest of ESR superintendents to be in conflict with the administration of special education programs.
- We are concerned about the apparent desire to incorporate the politically sensitive office of regional superintendent in the hearing process and the idea that parents would be guaranteed a hearing before the Board of Education.
- A mandate should not be considered at this time for the ESR to administer multi-district special education operations.
- There should be a minimum number of students available in the districts before they can declare and go through the necessary process to become a joint agreement.

In summary, there was disagreement about the role of the ESR in the administration of multi-district special education operations.

d. State Board of Education

Preliminary Finding:

The State Board of Education's current regulatory documents and procedures are in need of immediate simplification. Four general recommendations are applicable:

(1) Limit special education rules and regulations to their most essential components and place those items which are "best practice" or "operational" in other documents.

(2) Where program and personnel deviations are allowed, specify the criteria by which these decisions are made at the State level and permit local school officials to apply those same criteria in their local program decision-making.

(3) Delegate some regulatory responsibility to Regional Superintendents.

(4) Assume a more active supervisory role with respect to other state agencies.

Preliminary Recommendations:

-- The State Board of Education should direct the State Superintendent to submit a time-specific plan to revise the current rules and regulations governing special education in accordance with this report.

-- The State Board of Education should direct the State Superintendent to prepare and submit a time-specific monitoring and supervision plan which is consistent with the revised rules and regulations and the major conclusions of this report.

Public Comment

No specific public comment was noted which seemed applicable to this particular set of recommendations.

e. Other State Agencies

Preliminary Finding:

The desirable condition called for by mandates regarding other state agencies is a full, coordinated, and integrated system of human services which assures that individuals with unique and not necessarily discrete social needs will not be denied access to or provision of needed services. It is the major function of the State to provide services to the people of the State. That these services be efficient, coordinated, and equally accessible by its citizens clearly reflects a State's interest.

The desirable condition, even with the mandate, is not being met. Both the mandate and its implementation must be addressed comprehensively. There is a lack of clarity in the mandate itself which contributes to the implementation problems of a coordinated service system. Revision of the mandate should contain the following components: a consistent pattern of service without regional differentation; a pattern which addresses handicapped pupil needs broader than through a joint agreement; and an enforceable system.

This interagency system cannot be established and implemented by the State Board of Education alone. It will require the cooperative efforts and authority of the Illinois General Assembly, possibly through the School Problems Commission, and the Governor.

Preliminary Recommendation:

Since several State agencies are responsible for providing special education and related services, the State Board of Education should request the assistance of the Governor and the Illinois General Assembly in the development of a system for specifying the human and fiscal roles and responsibilities of the various State agencies and for resolving interagency conflicts regarding these responsibilities.

Such a system would need to assure that handicapped persons have available free, appropriate instructional and supportive services required to meet individual needs. As economic resources decline, interagency cooperation becomes more essential in special education as well as other areas of human services.

Therefore, the State Board of Education should direct the State Superintendent to seek the cooperation and participation of the Governor and General Assembly in developing a system for interagency cooperation which guarantees a full spectrum of human services.

Public Comment

There was almost universal support for this finding and recommendation. Other state agencies who reacted to the report supported such efforts. Illustrative of public comment were:

- Until such time as there is a coordinated comprehensive plan, supervision of other agencies is meaningless.

- Districts are required to have appropriate personnel from other state agencies present at the IEP conference when a student should be co-placed because of the kinds of services needed. This has proved unworkable. And, while many agree that the Department of Mental Health should be involved financially in receiving students, they also agree that the Department cannot be made to carry out their responsibility since there is not a requirement in law...only a signed agreement.

- We certainly agree with the principle that cooperation among all entities providing services to children is essential. The foundation for such cooperation rests at the planning level.

- Planning for service delivery among the State agencies responsible to the Governor has improved considerably since the passage of the Welfare and Rehabilitative Services Act (P.A. 79-1035). Although the State Board of Education is not required to participate in this process, there are obvious issues which are of common concern to the human services agencies and the education community. Resolution of differences and clarification of roles through joint planning at the State level would tend to assure that a more comprehensive and coordinated level of service is provided to children throughout the State.

- There is little question that there needs to be a more effective interagency cooperative arrangement. In our opinion, "Supervision" is not really the answer. A more appropriate resolution, in our opinion, is the development of commitments by the various departments/agencies to serve special youngsters; and all must participate in the development of a comprehensive continuum of services.

- Interagency coordination is an important tool in insuring the full complement of services in special education...The latest statistics on public assistance households for June 1981 indicate that there are 5,946 handicapped children under the age of 21 on aid in Illinois. We are, therefore, most interested in any program that can benefit this population...We will cooperate in any way that we can to assist in accomplishing this end.

- The recommendation for greater interagency cooperation should be given the full support of the State Board of Education. Schools are unable to continue to carry the full load.

In summary there is almost universal support for this recommendation.

f. Advisory Boards and Councils

Preliminary Finding:

Public comment and advice from parties affected by the State's actions is certainly consistent with good democratic practice. However, there is no specific State interest which compels mandated advisory councils and boards. Currently, the State Board of Education has four boards and councils which advise comprehensively on special education programs and services. Two of the current four advisory councils are not mandated, and yet they function effectively and regularly. Given the prima facie evidence that advisory boards exist and function effectively in the absence of a mandate, the mandate for advisory boards and councils can be eliminated.

Public Comment

The public comment varied on this finding:

- A mandate is not needed in order to assure ongoing advice from a lay council.

- Eliminate the mandate for advisory councils.

- Mandated advisory councils are to insure lay participation and the democratic process and must remain mandated.

- We strongly support continuation of statutorily appointed state advisory councils.

- Keep both the State Advisory Council (on the Handicapped) and the Deaf/Blind Advisory Council.

In summary, there was disagreement about the need for a mandate on this topic but not the need for the purpose such councils serve.

Issue 5. How should the State regulate its interest in special education?

Under this issue, several possible regulatory principles were presented. Also, the concepts analyzed were class size, age range groupings, personnel, child find, diagnosis and evaluation, individual education plans, placement, nondiscriminatory assessments, parental participation, and due process.

Preliminary Finding:

In its analysis of Illinois special education mandates, the task force noticed a thematic shift from regulating the quality of decisions made by local districts to an emphasis on regulating the quality and character of the process used in arriving at such decisions. This began in 1972, when earlier rules prescribing curriculum and other matters specific to each category of children were eliminated in lieu of local prerogative, and when specific eligibility criteria, such as Intelligence Quotient, were replaced by procedural steps for establishing the child's need for special education. This shift accelerated with the advent of P.L.94-142, and although there are many, including the task force, who believe that the federal regulations regarding the decision-making process are overly prescriptive, the general emphasis seems to be a valid and important one.

It is the task force's opinion that an essential fairness and pragmatism is present in a regulating activity which recognizes, first, the desire of local boards, parents, and professionals to make just and professionally sound decisions about programs for children; and, second, that the State has a legitimate interest in protecting children from either intentional or unintentional abridgments of that process. The procedural laws and regulations, in essence, provide that higher levels of government will accept the decisions made locally, provided that the proper interests are involved in the making of such decisions. They further provide that should the child's advocates (parents or guardians) in making such decisions feel that unreasonable conclusions find their way into diagnosis and/or educational prescriptions, they have a distinct way in which to ask for higher levels of government to review and make final determination.

The task force believes that justifications which may have existed earlier for regulating the quality of decisions at the local level are now unacceptable if one follows this logic to its conclusion. The task force believes, for example, that a local interdisciplinary staffing with parental involvement can determine in what size of class, and with what kind of children, a child should be placed. Similarly, a multidisciplinary evaluation procedure can identify whether a child needs educational assistance beyond that provided in the standard classroom, without recourse to classification labels.

Therefore, the task force concludes that the following principles should direct the State's administration of special education mandates.

a. State regulatory activity should recognize, first, the desire of local boards, parents, and professionals to make just and sound decisions about education for children, and second, that the State has a legitimate interest in protecting children from either intentional or unintentional abridgment of that decision making process.

b. Regulations should address the quality and character of the process by which decisions are made rather than the character of the decisions.

c. Procedural regulations should be limited to certain fundamental concepts such as timeliness, participants, and a remedy for disputes.

d. Whenever possible, the entity responsible for making decisions should be directed to develop its own procedures incorporating the State's fundamental concerns, as above. Once the State has approved the respective procedures, the State should accept the decisions resulting from that process, and should review such decisions only when irresolvable disputes arise at the local level.

Preliminary Recommendation:

-- State regulatory activity should recognize, first, the desire of local boards, parents, and professionals to make just and sound decisions about education for children, and second, that the State has a legitimate interest in protecting children from either intentional or unintentional abridgment of that decision making process.

-- Regulations should address the quality and character of the process by which decisions are made rather than the character of the decisions.

-- These process regulations should be limited to certain fundamental concepts such as timeliness, participants, and a remedy for disputes.

-- Whenever possible, the entity responsible for making decisions should be directed to develop its own procedures incorporating the State's fundamental concerns, as above. Once the State has approved the respective procedures, the State should accept the decisions resulting from that process, and should review them only when irresolvable disputes arise at the local level.

Public Comment

In general, many parents and some program people expressed strong doubts that, in the absence of prescriptive mandates, decisions at the local level would be made in the best interests of children. These public comments include:

- o There is a lot said about local procedural control but nothing said about increasing parental involvement and control.

- o This is an appalling and ethically untenable position for the State to take. The State has a real interest in the process of the decision for special education placement but the State's compelling interest is in the appropriateness of the services. Procedural adherence does not ensure the desired outcome.

- o Standards are necessary to measure the equitability of the process...when regulations only address the quality of process, the concentration of regulatory efforts would have the following negative impact: (1) Evaluation would be focused on staff efforts rather than program outcome. The efficiency of programs cannot be evaluated without criteria...(2) The process oriented approach without standards will add to the financial burden placed on school districts in the resolution of disputes between parent and with regards to child find/screening, evaluation/diagnostics, placement, class size, age range groupings, personnel, etc. (3) The frustration level of staff wold increase. (4) There would be no statewide continuity of programming for handicapped students.

A management group made the following comment:

- o We particularly commend the principle that "State regulatory activity should recognize, first, the desire of local boards, parents, and professionals to make just and sound decisions about education for children."

In summary, the special education advocates strongly disagreed with this recommendation while one major management group concurred.

a. Class size

Preliminary Finding:

The task force finds that the proper educational milieu -- including the specific size of special education instructional groupings -- is best determined by those who are most familiar with the uniqueness of each child, each teacher, and each school. Therefore, the class size requirements in their current arbitrary form are not appropriate.

On the other hand, the task force finds that the State does have a compelling interest in ensuring an appropriate learning environment. Therefore, alternatives which emphasize the local decision-making process should be developed.

Public Comment

Most of the public comment opposed eliminating class size requirements. Several recommendations were made to have ranges for class size, however. Illustrative public comments were:

- Rather than specifying a maximum class size for each type of handicap, greater flexibility would be provided by recommending a broader range of acceptable class enrollments from which the local special education director could choose. For example, under the current regulation (4.04) the maximum class size for students with severe speech impairments is eight students. This regulation could be changed by allowing the special education director to set the class size within an acceptable range of 6-15 students.

- We strongly support the concept of eliminating the stringent class size requirements.

- Experience has shown, especially in these times of budget crunches, the tendency is to reduce the number of teachers by increasing class size.

- The special education students who would be most adversely affected by large numbers in a class seem to be those who spend most of their time in a self-contained program. These arbitrary numbers remain an important safeguard. For the less severely handicapped...a change in regulation could be effected.

- Minimum standards maintained with deviation granted; principles in determining class size should be age of students and severity of handicap.

- It would be disastrous for class size to be determined at the local level.

- The task force report does not indicate what are appropriate, objective criteria for achieving an appropriate learning environment (class size). Also, we do not believe that local school districts with severe financial constraints are in a position to create reasonable and meaningful class size and age range standards.

Two different views of the state education agency's deviation process were presented in testimony:

- Current class size and age range groupings should be maintained. We support the flexibility in the current deviation process. During the 1980-81 school year, 65 requests for deviation were made. Sixty-three were approved -- 22 for class size and 41 for age range.

- The role of the State Board should be monitoring and supervising. The determination of class size within a range, staffing, local supervision and conference participants should be a local decision. The present deviation process is time consuming and unnecessary.

In summary, there is a desire on the part of some for more flexibility in this requirement, but there is concern on the part of others that more flexibility will be damaging to a child's educational program.

b. Age Range Groupings

Preliminary Findings:

The task force finds that there is a lack of evidence to support the age range grouping mandate and that it is inappropriate in its current arbitrary format. However, again given the State's concern for ensuring the adequacy of the learning environment, the task force believes that alternative procedural safeguards must be developed.

Public Comment

Public comment varied from abolishing the entire requirement to allowing more flexibility:

- Age range requirements should be abolished.
- Age range within a self-contained special education class should be locally determined.
- The age range can be modified but should not be extended to more than six years.
- We don't believe the groupings are arbitrary...Four is a best guess at a reasonable maximum age range. The concept is an attempt to guarantee to handicapped students what is taken for granted with the non-handicapped group. This issue can best be addressed with a modified process and criteria approach in state rules.

In summary, there is controversy concerning this recommendation, and additional research seems warranted.

c. Personnel

Preliminary Finding:

The task force finds that the interest of the State in the appropriate education of handicapped children extends to include a guarantee, to the extent possible, of the qualifications of the personnel who serve them. This guarantee is met by the requirement that special education personnel meet certain minimal training standards which are affirmed through a certificate. Since this is essential to the provision of special education, the task force finds that a mandate for qualified personnel is necessary and must be retained. However, the task force also finds that the mandate for personnel qualifications can and should provide more flexibility.

Public Comment

Most of the public comment appeared to support the need for flexibility, but there were fears that such flexibility meant that no qualifications or training would be required of personnel. Included among the public comment were:

- o This may be feasible. Expanding role of paraprofessional should be endorsed. Agree with idea of changing speech requirement to a B.A.

- o A supervisor certified in each category of special education should not be required.

- o Agree with flexibility. Speech and language should be certified with a B.A. or B.S. degree. Supervisor should be certified in a generic sense.

- o (We) agree with the committee's statement and recommend the continued use of the already established deviation process.

- o If you lower the requirements, you will discover many unqualified people demanding to be hired.... People should be hired to teach special education because they demonstrated enough interest to make the sacrifices necessary to go to college and acquire the courses necessary for certification.

In summary, there seems to be agreement for greater flexibility but concerns about lowering standards.

d. Child-Find

Preliminary Finding:

The desirable of child-find activities is the earliest possible identification of all children eligible for special education. Since the State's interest in identifying these children is compelling, the task force finds that the child-find mandate is necessary and should be retained in its present form.

Public Comment

Public comment on child-find activities was not particularly extensive, perhaps because the task force recommended its retention. Several groups questioned the activity, however, and another reaffirmed its retention:

- o Child find activities that involve the screening of preschool children in public school settings are questionable in terms of accuracy and cost. Work with Headstart and Day Care Centers to start programs there instead of the public schools.

- o Discontinue the costly intensive and continuing search for handicapped children. Social Service agencies and medical institutions are already providing this service; why duplicate?

- o (We) agree with the Committee's report because of a compelling interest on behalf of the handicapped child.

In summary, there was little reaction to the recommendation to maintain the child-find activities.

e. Diagnosis and Evaluation

Preliminary Finding:

The task force believes that the diagnostic and evaluation process is clearly a compelling interest for the State. However, the task force also believes that this concept could be implemented differently, and more simply, while still ensuring that:

(1) the evaluation is appropriate to the nature of the problems leading to referral and provides sufficient information to understand those problems and develop an adequate IEP; and

(2) once the child has been placed, periodic reviews of the child's progress occur.

Therefore, it is recommended that the regulations and statutes pertaining to diagnosis and evaluation, including the multidisciplinary conference, be maintained but significantly clarified and simplified.

Public Comment

Public comment on this concept seems to show that clarification and simplication in regulation could be supported:

- Many school districts do not evaluate adaptive behavior, cultural and social background. Some processes may be tighter and cleaned up.
- Adaptive behavior is well defined. Need is for better training, not deregulation.
- Periodic re-evaluation should be done as needed and not on a mandatory 3-year cycle.
- Clarification and simplication should be structured so as to disencumber that regulations, not to modify them to the needs of special interest groups.
- The requirement for reevaluations every 3 years should be revised to state that this is not required if all parties are in agreement.

In summary, the recommendation for clarification and simplication seemed supported.

f. Nondiscriminatory Assessment

Preliminary Finding:

Nondiscriminary assessment is a principle governing the identification and evaluation of a potentially handicapped child. It requires that the diagnosis of a handicap be neutral with respect to attributes of the child unrelated to the handicap, such as the child's language and communication patterns, cultural background, or sex. Identification and evaluation must only be based on the results of objective and valid diagnostic devices.

The task force recognizes that factors other than race (e.g., family income or socio-economic status) may be associated with statistical disparities and subsequent placement of children in special education, but the evidence supports the need for this mandate to be retained and State monitoring for compliance strengthened. The compliance procedure should definitely address the procedures and instruments used in assessments as well as the inclusion of sex as an identifying variable on counts of children.

Public Comment

A review of public comment indicates that there was little response to this particular concept. One suggestion emphasized the procedural aspect instead of the assessment instruments:

- o More specification of appropriate instruments will not solve the problems...workshops are necessary which emphasize the multifacited nature of non-biased assessment.

g. Individualized Educational Program (IEP)

Preliminary Finding:

The task force believes that while it is clear that some written plan for the education to be provided for handicapped children is necessary, it does not follow that the IEP as currently described is the only effective means of providing the necessary assurances. A more reasonable approach would require that a written document be prepared that states clearly the services to be provided, the reasons for those services, the process by which the effectiveness of the total program will be determined, and the conditions under which services will be terminated, if termination is a reasonable expectation.

While the concept of an individual plan is necessary to assure a handicapped child's right to an appropriate education, it is clear that the mandates as currently prescribed needs to be modified. Further, the process by which the IEP is developed should be modified.

Public Comment

There were quite a few comments made about the IEP. None disputed its overall usefulness, but many argued for modification of the current mandate. Suggestions for specific modifications varied among those providing comment:

- o Short-term objectives should not be required to be written at a multi-disciplinary staffing with the parents.

- o Frequent concerns voiced by Catholic school principals and parents include the length in time and complexity of the IEP process and procedures, and schedules of meetings.

- o We suggest revision as to the numbers and composition of individuals involved in the multi-disciplinary conference and the IEP meeting; short term objectives should be developed by the case manager within 30 days after placement; and the multi-disciplinary conference and the IEP meeting should be combined and structured in such a manner as to require a reasonable timeframe, 30-40 minutes for completion.

- o The meeting to develop short term objectives is of little use to the teachers and typically has no meaning to the parents.

- o We see no reason for the rule and regulation (9:15) to require that all school personnel involved in the child's evaluation be present. Allow local administrators to determine "appropriate school district representatives".

- o We concur with the suggestions that greater flexibility be given in the preparation of the IEP. The concept is valid, but there is little rationale for the current restrictive procedures.

- o Greater local control should be provided in regard to school personnel that are required to attend the multidisciplinary conferences.

In summary, there is considerable support for this particular recommendation.

h. Placement

Preliminary Finding:

Since there can be no provision of special education without placement, it is the State's interest to mandate a placement process. The task force finds the placement mandate to be an integral part of the system and important enough to be maintained, but not in its present form. Revised, streamlined regulations are in order.

Public Comment

Public comment on this particular finding was not found.

i. Parental Participation.

Preliminary Finding:

Parental participation is a practice under which decisions regarding the evaluation and determination of an appropriate education for a child are reached through a process involving the active participation of parents. The practice permits parental consent or objection at major phases in evaluation of the child and in the development and evaluation of the child's educational program.

The task force finds that the concept of parental participation is a necessary mandate, but one which needs clarification. The term "surrogate parent" used in current rules and regulations does not have a basis in Illinois statutes and should be replaced with a carefully drafted definition of the statutory terms "parent", "guardian", and "advocate".

Public Comment

Public comment on this particular finding was not located.

j. Due Process

Preliminary Finding:

The task force finds that an administrative remedy for the resolution of disputes is both necessary and desirable; it supports the notion of fundamental fairness and provides a means for regulating the State's interest in the education of handicapped children. However, the task force also finds that the due process system currently in place should be replaced by a procedure with the following characteristics:

(1) accessible to all students and/or parents;
(2) accessible to school districts where parents are given refusal rights (e.g., refusal to consent to an evaluation);
(3) provides stages which are less formal and closer to the level of service (e.g., guaranteed hearing before the school board, resolution through the Regional Superintendent);
(4) makes use of non-adversarial resources, such as the complaint review staff of the State Board of Education; and
(5) specifies the grounds for seeking resolution at each stage in the process.

Public Comment

In general, public comment seemed to support some modification of the due process procedure in order to reduce the adversarial aspect:

- Support SEA informal resolution prior to formal due process.

- We recommend the following sequential procedures for complaint resolution: (1) exhaust all local procedures; (2) if no resolution, required mediation with an outcome of resolution or a specific delineation of unresolved issues; (3) delineate issue(s) which are to be brought to a state level hearing; (4) if disagreement still exists, access to the judicial system is assured after exhausting this administrative process.

- The due process "Article X" hearings have become too adversarial and are not yielding the results as orginally intended.

- A committee should be established to review due process. Any system which is developed should emphasize informal negotiation/mediation.

- We do not agree that a due process hearing should not be governed by rules of evidence. How else can the facts be determined? Complexity of the process has resulted in high costs, but this usually occurs when districts use attorneys and send 6-12 employees.

- We support the State Board's attempt to institute a mediation process that would try to resolve disagreements without the formal due process hearing.

In summary, support was given to the recommendation to modify the due process procedure in order to reduce its adversarial nature.

Other Study Issues

Issues other than the originally identified five emerged as a consequence of the study. These three additional issues were the lack of policy relevant research, the data burden associated with reporting requirements, and the need for Congressional and Legislative action.

Issue 6: In what areas, if any, was evidence needed for analysis found to be inconsistent in quality and accessibility?

Preliminary Finding:

Reliable evidence was unavailable for some important issues in special education. This information void could constitute an important research and development agenda for consideration by the special education research community:

a. The effect of the IEP on educational programs for children, and the relationship of the IEP to academic achievement or social adjustment should be to be studied. The possibility of linking the IEP to specific services which constitute critical monitoring factors should be studied. Further, the IEP as a potential primary source for reimbursement needs study. Lastly, the feasibility of combining contemporary computer technology with the IEP to create efficient and effective development, monitoring, and reimbursing functions at the local and state level should be explored.

b. Research-based procedures for determining whether a related service can be demonstrably or directly related to instruction are needed. Further, there is a need to determine what roles program assistants serve, since they account for the largest increase in related service costs.

c. Evidence is lacking on the benefits accruing to children who remain in special education programs past age 19 or after the age of 21. The feasibility of lowering the age range to one year, or the point of first identification, and increasing screening efforts, should be explored.

d. Criteria are needed to help in determining whether a specific act or pattern of behavior is or is not directly related to or caused by a handicapping condition. These criteria would assist in decisions concerning disciplinary actions.

e. No evidence exists about the accuracy, completeness, or reliability of diagnoses and evaluations.

f. Diagnostic testing and instrument development is in need of validation. Research is needed to determine why there is an overrepresentation of black children in EMH classes and an overrepresentation of white children in learning disabled classes.

g. No research was available to indicate effects of age range groupings and class size on special education students.

h. The effects of summer school on special education children should be determined.

i. The effects of placing children in the least restrictive environment needs further study, particularly to determine the effects on academic achievement and social adjustment.

j. A study of the appeals process in Illinois would be useful in determining the extent to which income, socio-economic status, or rural/urban/suburban variables have an effect on the use of due process by parents.

k. The extent to which students exit from special education needs study.

Preliminary Recommendation:

The State Board of Education should direct the State Superintendent to evaluate and prioritize the proposed research and development agenda contained in this report and obtain assistance and collaboration of the State special education research community in fulfilling that agenda, as appropriate.

Public Comment

Public comment touched on many of the above recommendations for research, development, or evaluation activities:

- There should be timelines for the collection of hard data and reliable evidence about justifying special education activities.
- Effectiveness of program options should be studied.
- Support evaluation of special students' programs and services based on measurable minimal standards. Efforts should be focused on program outcomes.
- The state should conduct research to gather accurate field data on current practices.
- Assertion that class size, age range limits, mainstreaming, and summer school have little demonstrated value undermines the confidence of parents in the competency of their schools. Until reliable data are developed, no premature action should be taken to weaken these mandates.

- Criteria for deciding whether a related service is educational in nature should be supported by valid research before there are restrictions.

In summary, there was support for the recommendation concerning additional research and development activities.

Issue 7: How can the state reduce data burden on local school districts but still obtain information it needs for accountability purposes?

Preliminary Finding:

Excessive paperwork requirements should be reduced. Time taken for unnecessary forms completion is time taken from instruction, supervision, and administration. Basic auditing, monitoring and reporting requirements must still be met, however, in order that the State has the necessary information for monitoring and maintaining accountability.

Preliminary Recommendation:

The State Board of Education, in recognizing its previously adopted goal for "Simplifying Reporting Systems," should direct the State Superintendent to submit a time-specific data management plan whereby the State and federal reporting requirements are met for special education in an efficient and effective manner. This plan should achieve the development of integrated pupil data bases, which include, but are not limited to, special education information. It should also lead to a decrease in the data burden on school districts and an increase in the data use at the state level.

Public Comment

Public comment was received from at least one administrative group:

- The recommendation to consolidate and simplify reporting is indeed needed and welcomed.

Issue 8: How should the State proceed when state mandates are linked with federal mandates and state mandates are in need of change?

Preliminary Assumption:

A major assumption underlying this study concerned the relationship of the State statute and regulations to federal statute and regulations. Because the task force did not want to be inhibited in its analysis, evaluations, and recommendations; because the federal statute and regulations are also currently under review; and because Illinois has traditionally taken a leadership role regarding special education, the task force took the position that the current status of the federal mandate should not direct or influence the direction of this study.

Therefore, it was assumed that if changes were needed in a State mandate, and this mandate was reflective of a federal mandate, then Illinois policy makers and opinion leaders would work toward making necessary changes at the federal level. In this way, potential violation of applicable federal statutes could be avoided, but areas for needed changes could be identified.

Preliminary Recommendation:

The State Board of Education should seek the cooperation of the U.S. Congress and the Illinois General Assembly in declaring a moratorium through 1984 on establishing any laws dictating additional responsibilities for special education on the local or state education agency. This moratorium is necessary to allow sufficient time to revise the statutes and rules in accordance with the findings of this report. Further, the moratorium is necessary since the amount of legislation passed during a relatively short period of time has contributed to legitimate problems and complaints.
Therefore, the State Board of Education should direct the State Superintendent to develop and submit a time-specific plan which will increase the likelihood of cooperation for a legislative and congressional moratorium and allow time for drafting legislation needed to revise State statutes and encourage appropriate federal legislation.

Public Comment

Public comment included:

- Moratorium on laws is needed so rules and regulations can truly be evaluated.
- (We) shall urge the Congress of the United States to adequately fund P.L. 94-142 commensurate with the mandates required by the Act.
- The idea of pursuing a moratorium on new laws and regulations, while revising of existing dictates is occurring, is a must.

In general, most testifiers either ignored the recommendation or expressed disbelief that the state could influence federal mandates. Indeed, the most general reaction has been "We'll have to wait to see what the feds are going to do."

Ongoing Staff Activities to Obtain Further Information

Several staff activities are still ongoing regarding this study:

First, while the preliminary report was being prepared, the staff relied on prior testimony to the School Problems Commission, past public hearings on special education, and letters and complaints about the ongoing regulatory process. Several external groups are being invited to provide further advice to the staff prior to the development of the staff's final report findings and recommendations.

Second, as a result of the request to deans of Colleges of Education for relevant research studies not yet published in journals, several were sent to staff. Also, recently completed studies were brought to the attention of the staff. These will be reviewed extensively prior to the preparation of the final staff recommendations and a determination will be made as to whether changes in the findings are warranted as a result of that new information.

Third, although funding of special education was purposely deleted from this study, one recommendation necessarily has funding implications: lowering the age limit for those served from 3 to 1 or point of first identification. Most of the public comment did not reject this recommendation outright; concerns were expressed relative to funding any additional services. Therefore, staff are identifying the number of special education students who might be eligible if this mandate were changed and are determining its associated projected costs.

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APPENDICES

Appendix A: Organizations, Groups, and Agencies Sent Preliminary Report

1. Special Education, Regional, and Program Directors
2. District and Regional Superintendents
3. Illinois Association of School Administrators
4. Illinois Association of School Boards
5. Illinois Association of Principals
6. State Advisory Council on the Education of Handicapped Children
7. Higher Education Advisory Council (in special education)
8. Pupil Personnel Services Advisory Board
9. Advisory Board for Services for Deaf/Blind Individuals
10. United Cerebral Palsy
11. Illinois Catholic Conference
12. Illinois Administrators of Special Education
13. Office of Civil Rights - Chicago
14. Illinois Association for Retarded Citizens
15. Illinois Association of Children with Learning Disabilities
16. Chicago Handicap Services Advocate
17. Illinois Society for the Autistic
18. Illinois Alliance for Exceptional Children and Adults
19. Advocates for the Handicapped Coordination Council
20. Illinois Association of School Nurses
21. Illinois Guidance and Personnel Association
22. Illinois Developmental Disability Advocacy Authority
23. Association for School Social Workers
24. Illinois Association of Rehabilitative Facilities
25. Illinois Council for Exceptional Children
26. Illinois School Psychological Association
27. Illinois Federation of Teachers
28. Illinois Education Association

Legislative commissions and staff or executive branch groups receiving the report included:

1. Governor's Purchased Care Review Board
2. School Problems Commission - Mandates Subcommittee
3. Governor's Planning Council on Developmental Disabilities
4. Legislative Investigating Commission
5. Illinois Commission on Children
6. Illinois Commission on Occupational and Physical Therapy
7. Illinois Commission on Mental Health and Developmental Disabilities
8. Guardianship and Advocacy Commission
9. Legislative education staff to the House and Senate
10. Special Assistant to the Governor on Education
11. Bureau of the Budget Education staff

Other state agencies receiving a copy of the report included:

1. Department of Children and Family Services
2. Department of Public Health
3. Department of Rehabilitative Services - Illinois School for the Deaf
4. Department of Rehabilitative Services - Illinois School for the Visually Impaired
5. Department of Public Aid
6. Department of Mental Health and Developmental Disabilities

APPENDIX B

Illinois Ponders Cutting Special-Education Rules

State Board Panel Seeks To Loosen Federal Rules, Give Local Officials More Control of Programs

By Don Sevener
Special to Education Week

SPRINGFIELD, ILL.—Special-interest groups in Illinois, wary of altering requirements that protect the rights of the handicapped, are resisting a move by the state board of education to reduce special-education regulations and to curb red tape for local school districts.

The state board's committee on policy and planning held the first of two public hearings last week on recommendations contained in a preliminary staff report on special-education mandates. Education officials hope to enact such changes for their state and then to lobby for similar changes in the federal laws governing education of the handicapped.

Among the staff report's recommendations were:

- Eliminating the requirement that handicapped children be taught in the least restrictive environment;
- Ending categorizations of handicaps as a means of placing students in special-education classes;
- Changing the process for developing individual education plans to grant more flexibility to local administrators; and
- Allowing local educators to determine class size for special-education courses.

Deputy Superintendent Nelson Ashline said Illinois officials will work through their Congressional delegation to amend the federal law that dictates state regulations. He also said that in some instances—for example, in the case of individual education plans—state authorities believe they have some latitude in implementing the broad directives of federal law.

He also pointed to a recent federal-court decision in Pennsylvania, which held that a child in a special-education facility did not have to be mainstreamed.

"So what the judge is saying," Mr. Ashline noted, "is that you can't equate the fuzzy mainstreaming mandate with the importance of a child learning basic skills. These laws may be very vulnerable."

Overturning Gains

Although local officials applauded the report, and some of the recommendations received qualified support from groups representing special-education interests, the preponderance of testimony suggested the state board was attempting to overturn nearly two decades of hard-fought gains for the handicapped.

"The burden of proof is on the state board of education to show that . . . means other than mandates will be successful," Walter Freeman, director of the Land of Lincoln Chapter of the United Cerebral Palsy Society told the committee.

"I am convinced that the same pressures which worked to deny special-education services to handicapped children in 1963 [when the push began in Illinois to require such programs] would work to reduce or eliminate many of the services that are provided today if the mandate is repealed or relaxed," said Oscar Weyl, lobbyist for the Illinois Federation of Teachers.

And the mother of a five-year-old epileptic girl told board members, "I can guarantee you from personal experience that without these necessary regulations, many school districts will choose the easiest way out."

State officials said they anticipated a "parade of special interests seeking to guard their territory."

"Much of the testimony related to protecting their turf," said G. Howard Thompson, chairman of the committee. "I was disappointed we didn't hear more constructive criticism."

According to State Superintendent of Education Donald G. Gill, "A substantial portion of the testimony was very self-serving. We knew we would get much of that—don't touch [the mandates] or make [them] stronger."

Both Mr. Gill and Mr. Thompson said they were not discouraged and noted that several speakers endorsed at least a part of the report. The testimony, they said, gave them something to work with in preparing final recommendations to go to the full board late this spring.

Expressing his commitment to the effort, Mr. Gill said, "We must work toward more flexibility in the things we require of local school districts."

"If the state is not providing primary financing of education—and we're not—there is no way local districts can do all these things," Mr. Thompson added. "There are just too many things that have been dumped on them by the General Assembly, the courts, the state board of education, and the Congress."

That was a theme echoed by local officials who supported the preliminary plan.

'Exceeded our Grasp'

"The only reason people are attacking the mandates is that we can't live up to them," one superintendent said. "The commitment has exceeded our grasp, our ability, and our resources to meet it."

And yet those fearful of retreat said they remembered that not too long ago even the commitment was missing.

"It was really parents in the 1950's, not the professionals, who felt these children could learn, and they set up church-based programs in store-front operations to teach them," Elaine Hoff of the Illinois Association for Retarded Citizens.

Becky Kirk of Decatur, a parent whose daughter attends special-education classes, told the committee, "I hope that you will carefully consider any possible changes. It has taken parents, advocates, and special educators years to get education legislation for children with handicaps.

"Now, we are in an economic crunch, and too much could be lost for all the wrong reasons."

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Richard Gaesen has a word with his son, James, before the 14-year-old testified that he is "living proof that the state has a compelling interest" in providing a normal high school education for handicapped students.

p. 7 2/12/82 Trib.

Disabled student pleads to stay in 'mainstream'

By Dave Schneidman

A 14-YEAR-OLD BOY confined to a wheelchair urged a State Board of Education committee Wednesday to allow him to continue attending Oak Park-River Forest High School, rather than attend special classes.

James Gaesen of Oak Park presented his plea to the board's Planning and Policy Committee during a public hearing on a preliminary report by the committee that suggested that the state no longer require that handicapped students be placed in a "least restrictive environment."

"Least restrictive environment" is the placement of a handicapped child in an environment closest to a regular education environment. It is sometimes referred to as "mainstreaming" a handicapped student.

"IN MY OPINION, I am living proof that the state has a compelling interest in mainstreaming," Gaesen said.

"I am proud to be getting about in my regular high school rather than traveling on buses, not being challenged by nonhandicapped students, not having the opportunity to make friends with nonhandicapped students and having a limited curriculum; in other words, being confined.

"I attend Oak Park-River Forest High School where I am just another student. They don't have any programs for kids confined to a wheelchair, but they have all sorts of programs for kids who get about, whether they are on two feet or four wheels."

OTHER TESTIMONY was given by Diane Ridenour, 34, an official of Time Out to Enjoy, a group dedicated to helping the handicapped. Ridenour, who walks with a severe limp and sometimes uses a portable mechanized wheelchair to get about, commented that the entrance to the hearing room was equipped with a ramp to accommodate wheelchairs, but "when I tried to negotiate the ramp in my vehicle, I found the ramp to be too steep."

She urged the committee to reconsider its recommendation that summer school classes for the handicapped no longer be required by the state.

"Handicapped children need the additional education of summer school because, in many cases, learning processes come harder for them than for other students," she said.

OTHER RECOMMENDATIONS made in the preliminary report include the following:

- Elimination of regulations specifying special education categories, which classify types of handicaps and children in need of special education.
- Modification and possible elimination of class-size maximums for the handicapped.
- Allowing groupings of handicapped children more than four years apart in age in a classroom environment.
- Allowing school districts to have final jurisdiction regarding disputes between parents of handicapped children and school administrators, rather than having a hearing officer judge such disputes, as the present system operates.

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Southern Illinoisan
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Educators differ on special education rules

12/9

By Don Sevener
Of The Southern Illinoisan
Springfield

State

Two Southern Illinois educators differed sharply Wednesday over a State Board of Education initiative to cut red tape in teaching the handicapped.

William R. Clarida, superintendent of the Herrin school district, endorsed recommendations contained in a study of state requirements for special education.

But Sidney R. Miller, a special education professor at Southern Illinois University-Carbondale, said the report represented a "rollback of commitments" to "equal opportunity and appropriate education."

The board's policy and planning committee held the first of two public hearings on the 56-page study by the board's staff. Final recommendations are to be presented to the full board this spring.

The state board commissioned the study in an effort to revise state requirements and give local districts more flexibility — with potential cost savings — in administering special education programs.

Miller said present state and federal regulations, combined with research into special education techniques, have yielded "more highly committed persons ... committed to serving the handicapped."

The "proposed more flaccid standards," he said, "hinder the efforts to improve the quality of training (of special education teachers) and ultimately the programs provided the handicapped in the schools."

But Clarida hailed the study and most of its recommendations as he cautioned the committee to be aware that "some dangers do exist."

He said many staff recommendations would require changes in federal law, clarification of roles of non-educational agencies "and a substantial change in thinking by educators, parents and advocates (for the handicapped)."

"Until those changes have been implemented, it is very important that local school districts and parents are not caught in a conflicting and confusing web of 'Catch 22' situations" but rather are given guidance and authority to carry out new responsibilities.

Other local school officials echoed Clarida's support for the recommendations, but they were in the minority at the hearing where most sentiment — led by the mother of an epileptic five-year-old girl — challenged the wisdom of tinkering with the regulations.

Mrs. Becky Kirk of Decatur told the committee it should reject many of the proposed changes, including a recommendation to scrap a requirement that handicapped children join regular school activities wherever possible.

"I can guarantee you from personal experience that without these necessary regulations, many school districts will choose the easy way out," Mrs. Kirk told the committee.

She and her husband have been battling Macon-Piatt Special Education District officials who have attempted to keep their daughter in a "totally segregated school for only handicapped children," Mrs. Kirk said.

"Our daughter is not a handicapped child," she said. "She is a child who happens to have some handicapping conditions.

"First, she is a little girl, with likes and dislikes as all other five-year-olds. To segregate her is to say to her, 'You are so handicapped that you can't possibly fit in anywhere but a special school — you are too different.' That is utterly absurd and completely unfair to her as an individual."

Mrs. Kirk also objected to many other conclusions drawn by the task force — and her remarks won support from various special-interest groups presenting testimony.

Others suggested eliminating the requirement on advisory councils would render the parents and others who participate in them superfluous in the decision-making process relating to special education programs.

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Legislation affecting special education discussed

Rock Is. Argus 12-2-84

By Debi Sue Martinez
Argus staff writer

About 45 school officials from the 16 districts which make up the Black Hawk Area Special Education District (BHASED) learned more this week about state and federal legislation affecting special education programs. Addressing the group were State Reps. Tim Bell, Clarence Darrow and Ben Polk.

The legislators were special guests at the BHASED governing board meeting and open house, whose theme was "Special Education — Present and Future."

"The bottom line is the dollars are going to limited," Bell said.

"The delivery of special education services has been a high priority of the General Assembly," Polk said. "Although the state economy has followed the national economic recession and state revenues and spending have been curtailed, appropriations for special education programs have remained a high priority."

APPROPRIATIONS FOR ALL special education programs increased 12.8 percent from fiscal year 1980 to 1982, he said. Appropriations for special education transportation increased from $40 million in fiscal year 1980 to $57 million in fiscal year 1982 — an increase of 42.5 percent. Allocations for special education orphanage programs rose from $14 million to $20 million — an increase of 43 percent.

However, the fiscal and economic outlook in fiscal year 1982 is not good, Polk said. "Revenues will again be limited," he said. "Funds are simply not available to support large increases in spending or significant expansions in programs."

Although funds will again be limited, "I anticipate that the Legislature will again maintain education as a high priority and I expect that there will be increases in funding for special education programs and services," he said.

Polk stressed the importance of involvement by school officials in the legislative process. "I encourage you to make your views known to the Legislature and to members of the education and appropriations committees," he said. "Together, there is much we can do to insure that special education receives its fair share of available funds."

DARROW ECHOED Polk's statement, saying, "We are seeing a considerable reduction of funds from federal sources and the wheel that squeaks the loudest — the one that has the best organization — is the one that will get the funding."

He urged school officials to provide a current, on-going and accurate stream of information to their elected officials. This could best be done by personal letters and personal contact, he said.

School officials asked for more flexibility for their districts in how they implement special education mandates. Polk responded by asking them to be more specific. "Tell us what is strangling you in relation to the mandates," he said. "Tell us what you want eliminated."

In other action, a slide and tape presentation, "This is BHASED Today", was also shown to the members and was designed to acquaint experienced and newly-elected school board members with special education programs and services.

Gary Kerr, attorney for BHASED, discussed the legal aspects of special education and Gail Lieberman and Fred Bradshaw, from the Illinois State Board of Education, talked about state and federal rules and regulations and financial aspects of special education.

AT THE BHASED governing board meeting, new board members were seated and officers elected. Bruce Peterson, representing the Moline district, was elected president, and Jane Robinson, representing the Silvis district, was elected vice president.

New board members seated include Sharon Whitney, Hampton; Tom Timmerman, Colona; Dora Larson, Orion; Maurice DeSutter, Alwood; Vernon Johnson, Aledo; Doug Hessman, Westmer; and Al Holdsworth, Sherrard.

Other board members include Orin Hockbold, Rockridge; Jane Grahlmann, Rock Island-Milan; Dennis Griffin, East Moline; William Meyers, United Township High School; Joan Poiflet, Riverdale; and Valerie Van Vooren, Carbon Cliff. The Winola seat is vacant at this time.

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Mandates reaffirmed

More administrative freedom sought for special education

A preliminary report on special education mandates reaffirmed the importance of providing all children with an appropriate education, but suggested a need for more local flexibility in administering special education rules and regulations, according to the Illinois State Board of Education.

The preliminary report on special education mandates is a part of the Illinois State Board of Education's effort to review all mandates placed upon elementary and secondary education.

The report stressed a need for special education mandates to recognize the desires of local boards, parents, and professionals to make appropriate decisions concerning their children. However, the state recognizes its responsibility in protecting children from either intentional or unintentional abridgment of that decision making process.

"The task force believes, for example, that a local interdisciplinary staffing with parental involvement can determine in what size of class, and with what kind of children, a child should be placed."

At present, special education rules and regulations specify the number of students per teacher for the various special education classes.

Also, the report recommended lowering the age requirement from three years to one year for providing special education services for students. Statistics demonstrate that special education instruction is much more effective when the child's problem is identified at an earlier age, the report said. The reported recommended keeping the upper age limit at 21.

The report emphasized a need to streamline present rules and regulations governing the placement of students in special education classes. Modifications in the Individualized Education Plan (IEP) for students were also recommended.

The recommended modifications include stating clearly the services to be provided, the reasons for those services, the procedures for evaluating the effectiveness of programs, and the conditions for terminating services.

A need for research on both the disproportionate number of black students placed in educable mentally handicapped (EMH) classes and the overrepresentation of white children in learning-disabled classes was also cited in the report.

The report recommended that the state superintendent of education seek cooperation from the U.S. Congress and the Illinois General Assembly in declarin a moratorium throuh 1984 on any additional laws governing local or state education agencies.

To ensure that handicapped persons obtain free, appropriate instructional and supportive services for their needs, the report suggested the establishment of a system for interagency cooperation to deal with the full spectrum of human services.

After receiving comments on the recommendations in the preliminary report, the committee will review the report and comments before the superintendent makes his recommendations to the committee on a policy position for the board.

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22 city/suburbs
Chicago Sun-Times, Thursday, February 11, 1982

Keep special-ed rules, state panel urged

By Don Wycliff

Citing the "abdication of responsibility by the federal government," advocates for the handicapped Wednesday urged the Illinois Board of Education not to weaken state rules on special education.

"We must strengthen our state mandate," Charlotte Des Jardins, director of the Coordinating Council for Handicapped Children, told members of the state board's Committee on Planning and Policy. "The New Federalism leaves us no choice."

Des Jardins, representing a coalition of 85 organizations, was one of at least 50 people who appeared at the second of two committee hearings on a preliminary study by the board staff on state special-education requirements.

THE SPECIAL-EDUCATION study is the first of five that the state Board of Education has planned to examine mandated programs in public schools. The board hopes to find out which mandates can be eliminated so local school districts can have more flexibility and save money.

State figures show that 239,062 special-education students were enrolled in Illinois school districts last year and that the state appropriated $234,548,000 for special education.

The study reaffirms a "compelling state interest" in special education, but recommends several changes to give decision-making authority back to local school officials.

Most of Wednesday's speakers were concerned about a proposed change in due-process procedures used when parents and school officials disagree on what program the handicapped student should be in.

Des Jardins charged that the change would put final decisions in the hands of school officials who are parties to disputes, rather than with an impartial hearing officer, as at present.

Des Jardins also said proposed changes might eliminate a mandate to "mainstream" handicapped children. That requirement, imposed only within the last six years, has resulted in the placement of many handicapped children in regular school classrooms.

One parent, Joan Galati, of Barrington, complained that the due-process procedure already is not strong enough. She claimed that she had been forced to spend $40,000 and to put her home up for sale after a legal battle with school District 220 to get proper services for her 17-year-old multiply handicapped son.

"This is the price I must pay as a victim of this system," Galati said. "Is this what we want for our citizens?"

After the hearings, the staff proposal will be studied and either adopted or rejected by the full state board and possibly recommended to Gov. Thompson and the Legislature.

Battle brews over which mandates to keep

By DON SEVENER
For the Herald & Review

SPRINGFIELD — About a year ago, at an age when most children have outgrown the need for diapers, 3-year-old Scott Jacobs could not talk well enough to tell his parents when he had to use the potty chair.

Now, after 10 months in a special education program, Scott speaks in complete sentences, his mother says, and "he's totally potty-trained."

Scott suffers from Down's Syndrome, a physical and mental handicap that makes him, like thousands of other Illinois youngsters, eligible for special training. But Scott's program is in jeopardy — the potential victim of diminishing education dollars and an emerging movement to reduce or remove requirements that force school districts to offer the kinds of services that have brought Scott near the level of his peers.

Deep divisions are beginning to form over dismantling mandates for programs and services that range from special education and desegregation to driver education and free lunches for needy youngsters.

Those services and others required by state and federal governments are at the core of the brewing battle that involves some of the most fundamental questions affecting the destiny of school children across Illinois: Who should run schools, who should pay for them, and who should decide what a quality education is?

Program 'de-mandating' urged

Donald Gill got the ball rolling soon after becoming state school chief last year when he began talking about "de-mandating" various educational programs.

Gov. James R. Thompson grabbed the issue when he urged a new approach to funding mandated and other categorical grant programs and called for removing the requirements that force local educators to do things they increasingly contend they cannot afford to do.

"Complaints have been registered for years about over-regulation in vocational education and [illegible] education and all the other kinds of education that come out of these special categorical approaches," Gill says. "It stems from the perennial complaint that government makes lots of demands and doesn't provide the resources for local agencies to be able to follow through."

On the other hand, notes Nolson Ashline, Gill's deputy, the mandates grew out of "the fundamental belief that government had an obligation to step in on behalf of one minority or another — such as the handicapped or the poor — without sufficient political leverage to get things done locally."

It was a recognition, Ashline says, "that certain classes of society couldn't overrule the majority and get what they needed."

And many contend the protections guaranteed in law to those minorities are as vital today as when first imposed during the early and mid-Seventies. They predict grim consequences — hungry kids, less effective programs for handicapped youngsters, segregated schools — if government abandons directives to local schools.

Deregulation is in vogue

But that view is far from unanimous these days. In an atmosphere of shrinking resources, a general deregulation vogue and a conviction that most mandates have outlived their usefulness or never, sentiment is growing that the time has come to ease or eliminate the vast and varied requirements imposed by government.

"You begin to look into these things to determine if you need a law or a regulation and the first thing that hits you is that there are requirements in place that more than likely you can do without and not impair the quality of programs and, in some cases, perhaps allow the local agencies to do a better job," Gill says.

Amen, say local school officials.

"Over the years, our curriculum has become quite crowded," Donald Miedema, Springfield school superintendent, says. "We've added many things (through governmental mandates) and not taken anything away. The school day is the same, and we're trying to cram more into it. I'm not sure that's educationally desirable."

"We support Gill's efforts," says Theodore Rockwiler, superintendent of the Moline School District. "With declining revenues, there has got to be a commensurate decline in what they require us to do. We simply can't meet these mandates if the state continues to underfund its obligations."

The dollar impact is hard to challenge. For example, in fiscal 1980, districts spent $335 million in local funds to pay salaries of special education teachers. The state is reimbursing those districts $129 million.

Available money pro-rated by state

Not only does the state pay only a fraction of the cost of most mandated programs, it historically has failed to fully fund its fraction. When appropriations fall short of what is needed, the State Board of Education simply pro-rates the available money — paying, say, 90 cents for every dollar local districts have coming.

Facing these fiscal facts, the lament of Reid Martin has become something of a war cry for local educators.

"If they keep the mandates and take away the dollars, it's absolutely not fair," says the superintendent of Carbondale's high school district. "It's not fair to all the other students in the district. Nobody forces us to offer programs for the average student. Those are the ones that fall through the cracks."

Thus, many local school officials have taken up the deregulation cause, selling their rights on several areas where they might save a lot of cash.

For example, Miedema says several Springfield school board members were distressed over having to keep driver education when the recent defeat of a tax referendum forced severe cutbacks in other programs.

"One program we're cutting is library services. We're laying off half of our librarians. Sure, driver ed is a good program, but which is more important? I might select libraries, but that is not an option open to us."

On-the-road driver training costly

On-the-road driver training, the most expensive element of the program, appears to be the most likely candidate for some adjustment. Robert Turner, associate superintendent in Decatur, says the district probably would impose a fee system for behind-the-wheel instruction if the state revised or removed the requirement.

Daily physical education classes for all students is another potential target for deregulation.

"I think in our district there might be some adjustment in physical education," says Howard Jackson, superintendent of the Wethersfield district in Kewanee. "I don't feel the requirement for daily physical education for every elementary school child is totally realistic."

But in some cases, removal of mandates might put local districts in the uneasy position of cutting services they would rather keep, such as free lunches.

"We have a lot of kids who are economically deprived," Miedema says. "Hundreds of children get their best meal each day in their lunch at school."

If proposed federal budget cuts are enacted, he says, school lunch prices could double, forcing some students away from the cafeteria line and threatening the entire program at some schools. In that event, Miedema adds, some poor children will not be fed.

AN TAR-BABY DON'T SAY NOTHIN'

Some fear that other social goals handed to the schools to implement might be in trouble without governmental intervention.

Integration might be imperiled

"I'm convinced that if the state backs out from mandates, there will be pressure at the taxpayer level and school boards will respond to that," says Jean Ryer, executive director of the Illinois Educational Association. "They'll look around and if they don't [illegible] and consistency for some program, out it goes."

Ryer believes school integration could suffer that fate. "Desegregation was dumped at the doorstep of public education, and it's a valuable goal. Society is multi-racial, so it's important for kids to learn and grow together."

In Springfield, where the district has desegregated classrooms under court order, Miedema concedes that the effort might be stymied without a mandate.

Nevertheless, administrators claim savings could be achieved in some required programs serving special student needs as those needs are adequately met.

"It's not realistic to 'de-mandate' special education, and I hope they don't do that," Moline's Rockstellow says. "But they could cut back on some of the regulations, such as on class sizes or the required meetings on IEPs (individual education programs), and we could serve the same number of kids with fewer teachers."

Special-interest groups disagree

Such a war cry amounts to a declaration of war for many special-interest groups.

Leading the troops in the IEA's Ryer:

- "These mandates are critical to the health and well-being of students, society and any definition of quality education.
- "Taking away experience out of driver education is tantamount to teaching a child to eat without a knife, spoon or fork — just showing him pictures.
- "I would suggest that an organized system of physical education is as important to the body as an organized study of the basics is to the mind."

And any hint of scaling back services to handicapped youngsters prompts cries of concern and outrage from those who look after the needs of special children.

"Without a mandate, there is no guarantee at all that districts would provide the services," says Elaine Hoff, lobbyist for the Illinois Association for Retarded Citizens. "It reminds me of the whole beginning back in the 1950s when parents put model programs together in church basements. All of a sudden we find ourselves having to prove all over again there is a benefit to society, not to mention to the kids, of having these programs."

Mrs. Hoff says the twice-yearly sessions administrators are required to hold with teachers, counselors and parents of special education students to discuss the child's individualized education program are vital to a youngster's progress.

"These meetings tell parents where their kid is now, where he's going to go this year and what means will be used to accomplish the goal. The intent of Congress was to put in a role for the parent. The family can be very important if they know what your goals are."

Common agenda is needed

Frederick Weintraub, assistant director of the national Council for Exceptional Children, agrees.

"It's important to get a common agenda between the school and the parents," he says. "The majority of that child's education is at home."

It's equally important, Weintraub says, to continually review a child's placement in a special education program, another purpose of the meetings.

"You shouldn't have a child in a program that is not working or one that has worked and the child no longer needs," he says. "The decisions we make about handicapped children are among the most significant in a child's life. It's not comparable to deciding whether Johnny should be in the Bluebird or the Red Robin reading group."

Just ask Kathy Jacobs. In the absence of a law requiring the special education program that has benefitted her son, Mrs. Jacobs says, "He'll be out of luck. He'll be without any program."

David Kuetemeyer, superintendent of the Villa Grove district where the Jacobses live, says that will not happen — at least for another year. The pre-school program Scott is enrolled in will continue through the 1981-82 school year, Kuetemeyer says. "But beyond that, I don't know what will happen."

If proposed budget cutbacks materialize, Kuetemeyer says, "not only will that program face some difficulty, but a lot of other programs will face difficulty."

Scott Jacobs would face difficulties, too.

"He'd regress," his mother says. "He'd lose everything he's gained. And he loves school. When he's on vacation, he cries to go to school. It would be taking away everything he looks forward to."

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School Districts Chafe Under Mandate Burden

By STEVE BAUER
News-Gazette Staff Writer

Allen Hall, superintendent of a small school district in Champaign County, said mandates are some of his "pet peeves."

"Schools are responsible for immunizations and seeing that kids have the proper shots," Hall said. "But the local district has to eat the costs of what it takes to see that all the students comply with the law."

That's just one example, he said, of the burden schools have in carrying out state and federal edicts.

"I don't have anything against the mandates. I think it's a good idea that all the kids have the shots," said Hall, superintendent of the ABL School District. "But when the legislature mandates a program and doesn't fund it, then it is up to the district to pay for the costs."

In addition to the state law on school immunizations, statutes require such things as teaching of U.S. history and programs for handicapped children. There are also state regulations covering everything from building codes to dismissal of teachers.

Mandates are derived from law, regulation and custom — and school officials like Hall have been asking state and federal officials for relief from the burden of many requirements.

ABL schools at Allerton, Broadlands and Longview are hurt by such mandates, according to Hall. Programs such as driver education and special education are particularly costly, he said.

Vocal On Burden

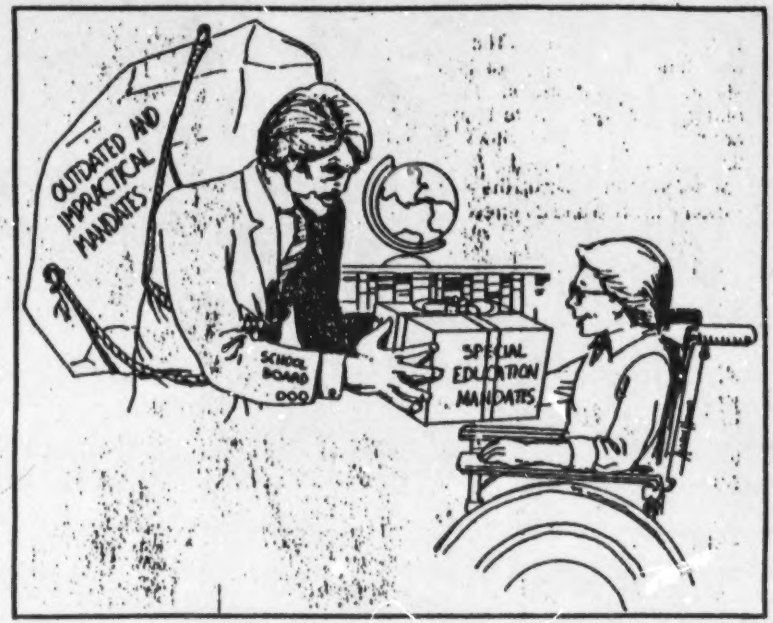
But small schools aren't the only ones affected by school mandates. In Urbana, school board members and administrators have been among the most vocal regarding the burden of mandates.

According to revenue and spending figures in Urbana schools, the local board is picking up about two-thirds of the cost of driver education and three-fourths of the cost for special education.

A local controversy still rages in Urbana over a board policy to charge students $123 for behind-the-wheel driver training, a charge based on the difference in what the program costs the schools to operate and what the district receives in reimbursement. State funding for driver education was $50 per student, but the costs in Urbana last year were about $164 per student, according to Jack Watts, the district business manager.

Watts said District 116 received $25,116 for driver education in 1980-81, and spent $78,330.

Physical education is another mandate. Students are required to have daily physical education classes, but the state earmarks no funds for the program.



A 1979 study of the source of funds for school mandates by the Illinois Parent-Teacher Association found some local districts use a mixture of general state aid and local funds. Others use strictly local money.

That sample survey found, for example, that local funds paid for about 60 percent of physical and consumer education in urban school districts, with 30 percent from state general funds. Rural schools used about 93 percent local funds for physical education and 100 percent local funds for consumer education.

Pressure in Cuts

According to Watts, the real pressure on local districts comes when a board must make budget cuts, such as the cuts needed when school enrollments drop sharply. Urbana school officials had to trim the budget drastically a few years ago. But special education, driver education and other mandates weren't affected, Watts said.

Mandate programs were cut and many other non-required programs, such as foreign language and science, also suffered, he said. Elementary music was eliminated at that time and slowly restored as funds became available.

"Those are the kinds of cuts that really hurt," Watts said.

Fred Coombs, an associate professor of education at the University of Illinois, concurs.

"The pinch occurs when enrollment is down and state funding is tied to enrollment," he said. "The local district is getting less state money but is required to maintain programs that are mandated."

But he said some educators wonder what will happen if some programs now mandated are left to the discretion of local school boards.

"There will be some very real changes in the way money is spent, and some changes will work to the disadvantages of special-interest groups who have benefited by mandates in the past," Coombs said.

Complaints such as those voiced by Hall and Watts have yet to accomplish any changes. But state education officials and legislators are tentatively examining the issues raised regarding school mandates.

Study Approved

A study to look at existing laws, rules and regulations, as well as their costs, impact and effectiveness, was approved Thursday by the State Board of Education. That study could take up to 1½ years.

Meanwhile, Donald Gill, state superintendent, and members of the School Problems Commission, an arm of the General Assembly, will meet Wednesday, Sept. 16, in Springfield to review state rules and regulations affecting schools.

The commission conducted three hearings during the summer to gather testimony regarding school mandates. Packed with parents of handicapped children expressing fears that eliminating requirements would deprive their children of needed services, the hearings were generally pro-mandate.

The pressures on local boards may increase as federal and state officials shift funding to "block grants," which will allocate education funds in unspecified lump sums to be spent as needed by local boards, rather than providing funds by categorical grants.

Many mandates are the result of legislation to meet the needs of particular groups, Watts said. Those groups will transfer their pressure from federal and state to local officials if mandates are relaxed and funding authority is shifted, he said.

But such special-interest legislation spurs some of Hall's criticism.

"We're expected to teach so many things," he said. "Special interest groups have been very influential in getting laws passed to benefit a very limited number of students in some cases."

Parents Of Handicapped

Parents of handicapped children have been among the most active groups in education in recent years, and Watts said some schools have resisted the demands to provide special education.

According to some experts, mandates are generally created by lawmakers who have been convinced that schools or teachers must act in certain ways for the best interests of society and individuals within society. Then, as is the case with special education, mandates become a civil rights issue.

For Watts, Hall and other school administrators, the lack of state support in meeting the state requirements is the major issue.

"If it's something beyond what we offer in the regular program through general state aid," Watts said "then the state ought to pay for it and pay 100 percent. The only other source is local funds."

In response to an Illinois Senate resolution asking for a study of subjects or programs required by law or regulation, the staff of the State Board of Education analyzed some select mandates based on 1979-80 data, the most current available.

Although accounting procedures vary and programs depend on the size and structure of the district in some cases, the study given to the state board Thursday did have some interesting findings.

"In general, Illinois school districts depended heavily on local revenues to operate their schools," the study said, with 73 percent of the districts in the state receiving 50 percent or more of their total revenues from local taxes. "Of 1979-80 statewide total revenues, 57 percent came from local sources, 36 percent from state sources and 7 percent from federal sources."

Study Confirms

And the study seems to confirm local school officials complaints that the burden of mandates is frequently on the local district.

The state board found the most funded the following percentages of total costs for the following programs: 34 percent of regular transportation, 71 percent of vocational transportation, 74 percent of special education transportation, 25 percent of special education personnel, 44 percent of private tuition, 36 percent of the extraordinary children program, 32 percent of the gifted education program, 14 percent of the free lunch program and 49 percent of the five clock-hour day.

According to the report, only the orphanage program, bilingual education and textbook program are reimbursed 100 percent by the state.

"In comparison with the overall statewide reimbursement percentage," the study said, "the percentage for high school districts was relatively low for ... special education, private tuition, extraordinary students, driver education, free lunch and five clock-hour day programs. Elementary and unit districts had reimbursement percentages similar to the statewide percentages for all programs except the five clock-hour day programs."

According to Watts, the costs of mandated programs is substantial, with local revenues picking up most of the [illegible].

In the 1980-81 fiscal year, Watts said Urbana received $217,419 and spent $407,754 for regular transportation. Special education transportation receipts were $110,873, while expenditures were $190,199, he said.

Regular Funds

Many local districts must take funds out of regular programs to pay for the smaller class size required in special education mandates, for example, according to Robert Henderson, professor at the University of Illinois.

Flat grants providing equal across-the-board funding regardless of need "tend to make rich districts richer," he said, "and rich districts already have smaller class sizes."

He said mandates and funding must go together to accomplish the goals of most requirements.

Smaller school districts "won't afford to pay the bill," he said, but most are "doing the best they can."

Perhaps the most expensive mandate for many schools was the 1975 federal Public Law 94-142 that led to low teacher-pupil ratios, special materials and equipment, extraordinary support services and extra transportation to ensure all handicapped children were provided with equal opportunity for education.

According to Henderson, the cost of ensuring program and building accessibility for all handicapped students in 1978 was between $1.82 and $2.83 billion nationwide.

How the task of determining whether these mandates are achieving the purpose for which they were intended begins.

Gill said the state board study is crucial to assure that school mandates are effective and efficient.

"We must determine whether the mandates should be continued, eliminated or defined differently and then we can begin to remove the onerous burden of regulation that school people have had," Gill said.

Handicapped schooling plan draws woman's ire

p.1 1/28/82 Decatur

By DON SEVENER
For The Herald & Review

SPRINGFIELD — A Decatur woman — urging an end to "educational segregation for any children" — was in the vanguard of opposition Wednesday to an Illinois Board of Education initiative to cut red tape in schooling of the handicapped.

Mrs. Becky Kirk, who sends her 5-year-old epileptic daughter to Sunnyside School, told a state board committee not to scrap a requirement that handicapped youngsters join regular school activities wherever possible.

A recommendation to dump the requirement is among several contained in a 56-page report by the state board staff reviewing various rules, regulations and laws relating to special education.

The board's policy and planning committee held the first of two public hearings on the report in preparation of final recommendations to be presented to the full body this spring.

The state board commissioned the study in an effort to revise state requirements and give local districts more flexibility — with potential cost savings — in administering special education programs.

But Mrs. Kirk disagreed with the task force conclusion that there is "no compelling state interest" in retaining the requirement that handicapped children be integrated, where possible, with non-handicapped schoolmates.

"I can guarantee you from personal experience that without these necessary regulations, many school districts will choose the easy way out," she told the committee.

Mrs. Kirk said she and her husband have been battling Macon-Piatt Special Education District officials who have attempted to keep their daughter in a "totally segregated school for only handicapped children."

"Our daughter is not a handicapped child," she said. "She is a child who happens to have some handicapping conditions.

"First, she is a little girl, with likes and dislikes as all other 5-year-olds. To segregate her is to say to her, 'You are so handicapped that you can't possibly fit in anywhere but a special school — you are too different.' That is utterly absurd and completely unfair to her as an individual."

Society, Mrs. Kirk said, "should not be segregated — nor should children who happen to be handicapped."

She said "someone, somewhere decided the segregation of black children should end — it's time the state of Illinois realized the educational segregation of any children should end."

Mrs. Kirk also objected — and won support from various special-interest groups presenting testimony — to many other conclusions drawn by the task force.

The recommendations include:

- Modification of individual education plans for each handicapped youngster, although specifics of the proposal were not spelled out. The staff also suggested ending summer school requirements for the handicapped through such plans.
- Elimination of handicap categorization for placing children in specialized programs.
- Allowing local educators to determine the appropriate class size for special education programs.
- Deleting the requirement for advisory boards and councils.
- Lowering the eligibility age for handicapped services from 3 to 1.

Representatives of teachers, special education administrators and organizations concerned with the handicapped attacked many of those suggestions.

Some contended, for example, the system for classifying youngsters according to their handicap ensures each child is placed in an appropriate program.

Others suggested eliminating the requirement on advisory councils would render them superfluous in the decision-making process relating to special education programs.

But the sentiment opposed to the recommendations was not unanimous.

Jane Grahlmann, president of the Rock Island-Milan school board, said local districts need more latitude "in providing the programs and services for all of our children, including those with special needs."

Local boards, she said, "can be trusted to look out for their own children, both special and regular ... local professional educators will prescribe better programs for their students if they are relieved from regulations which waste resources and limit opportunities."

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Special education support sought

Decatur p.A3 1/29/82

By ALLEN SOLOVY
Herald & Review Staff Writer

A citizen's group for special education asked the Decatur Board of Education Thursday to take a stand against proposed revisions in Illinois special education laws.

And group members said they believe special education students are not being given full consideration in deliberations on proposed school closings.

The comments came at a meeting of board members Esther Post and Jeanelle Norman and members of Progressive Action for the Handicapped at Grace United Methodist Church.

PATH members asked the board representatives if the School District will take a stand on the proposed revisions in special education laws.

But Mrs. Post said the school board has not seen the report and is not aware of its details. However, she said she would bring the topic up for discussion at the next board meeting.

Participants expressed fears that the proposed revisions would gut special education programs.

The revisions were developed by Illinois State Board of Education staff members following a review of every rule, regulation and law related to special education.

At least five of the about 30 participants cited problems their children have had receiving special education services from the Macon-Piatt Special Education District.

"What happens when they don't have the law to stand behind?" one participant asked.

Mrs. Post said the Decatur district has a history of supporting special education programs and that would continue with or without the current state rules and laws.

"We're scared to death they're going to do away with more services," another parent said. "What happens when we don't have the law to stand behind?"

Becky Kirk, PATH president, urged participants to submit written testimony to the state school board which opposed the possible changes. Copies of the report were available to those wishing to write letters to the state board.

Mrs. Post explained that the effects of school closings on special education students cannot be detailed because there are many variables in the proposals. Until a specific plan is adopted by the board, there are no firm details on the fate of special education students, she said.

The final placement of special education students will be based on the space available after the board decides which, if any, facilities to close, Mrs. Post said.

"It sounds like the special education kids are not being weighed into the balance," said Kathy Owens, PATH vice president.

"Don't wait until the schools are closed and fit us in the back door," said Mrs. Kirk.

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Special education programs at heart of mandate debate

By DON SEVENER
For The Herald & Review

SPRINGFIELD — Nearly a year ago, it seemed like a good idea, even a noble one.

The time had come, state school chief Donald G. Gill said, to find ways to unleash local educators from some of the knots of red tape associated with a long string of regulations.

One-sided coin

But, if nothing else, the parade of special interests last week challenging proposed changes in rules governing special education has proved the difficulty of minting a coin — no matter how it shines with laudable intentions — that has only one side.

On one side is the State Board of Education plan to conduct a comprehensive, deliberate study of regulations imposed on local school districts.

The aim of the effort, state leaders said then and still say now, was to snip that burdensome red tape, to put decision-making in the hands of local decision-makers, to economize with increasingly scarce public dollars and to improve the quality of educational services.

Flip the coin over.

"The burden of proof is on the State Board of Education to show that other less restrictive means ('local control,' permissive policies) other than mandates will be successful," Walter Freeman, director of the Land of Lincoln Chapter of the United Cerebral Palsy, told a board committee studying the special education issue.

"I am convinced that the same pressures which worked to deny special education services to handicapped children in 1963 (when the push began to require such programs) would work to reduce or eliminate many of the services that are provided today if the mandate is repealed or relaxed," Oscar Weil, lobbyist for the Illinois Federation of Teachers, said.

Mixed emotions

"I can guarantee you from personal experience that without these necessary regulations many school districts will choose the easiest way out," a Decatur mother with an epileptic daughter told the committee.

State officials listened to the testimony with patience, interest and mixed emotions.

"Much of the testimony related to protecting their turf," said G. Howard Thompson, chairman of the board's policy and planning committee. "I was disappointed we didn't hear more constructive criticism."

A "substantial portion of the testimony was very self-serving," Gill said. "We knew we would get much of that — don't touch (the requirements) or make (them) stronger."

Nevertheless, they are not discouraged.

Thompson noted "a lot of the comments were in agreement" with many of the conclusions of the state board staff report suggesting various changes in special education requirements.

Gill suggested "we did have some excellent testimony that will give us something to work with. I felt optimistic even with all the attacks on what I consider to be an excellent preliminary report."

In any event, state leaders appear determined to push ahead.

"We must work toward more flexibility in the things we require of local school districts," the superintendent said.

"If the state is not providing primary financing of education — and we're not — there is no way the local districts can do all these things," Thompson said. "There are just too many things that have been dumped on them by the General Assembly, the courts, the State Board of Education and the Congress."

That was a common theme championed by local school administrators — themselves not disinterested observers — who appeared before the committee.

"The only reason people are attacking the mandates is that we can't live up to them," William Clarida, superintendent of the Herrin school district, testified.

"The commitment has exceeded our grasp, our ability and our resources to meet it."

Nightmare

Local districts, the president of one school board said, "can be trusted to look out for their own children, both special and regular ...."

Not necessarily, contend many of the special interests.

"Local control sounds so wonderful," Elaine Hoff of the Illinois Association for Retarded Citizens said. "But when you get down to the practicality of it and have 1,013 sets of standards, that would really be a nightmare."

Therein lies the real conflict and the major challenge facing state leaders walking the fine line between local control and state responsibility to provide educational opportunity to more than 2 million Illinois youngsters.

Vested interests aside, the laws requiring special education and the regulations specifying how to go about it sprang from an era and from circumstances in which the peculiar needs of handicapped children were virtually ignored.

In 1965 — 54 years after passage of the first Illinois law enabling school boards to establish classes for students who were blind or deaf — only an estimated 25 percent of handicapped youth were receiving special education services.

In that year, the General Assembly approved landmark legislation directing local districts to provide such services to the handicapped.

A decade later, the federal government got into the act, enacting similar requirements and making failure to serve the handicapped a civil rights violation.

Federal and state officials, supported by the courts, followed through with detailed and often costly rules and regulations spelling out precisely how local educators were to meet the broad directives of the law.

Shrinking dollars

Between the 1977 and 1980 school years the number of pupils enrolled in special education classes rose 2.7 percent to 239,062 while state costs leaped almost 30 percent to $234.5 million.

Moreover, in recent years the state has failed to fully fund its share of the reimbursements local districts are eligible for — paying, in some areas, as little as 85 cents for every $1 claimed by the districts.

Hence, the dilemma: How to meet rising needs with shrinking dollars.

Gill is convinced it can be done.

"We've got to be cautious," the superintendent said. "But I believe we can have better educational opportunity for our kids."

Mrs. Becky Kirk, whose 5-year-old daughter attends special education classes, is less sure.

"I hope that you will carefuly consider any possible changes," she told state officials. "It has taken parents, advocates and special educators years to get education legislation for children with handicaps.

"Now, we are in an economic crunch and too much could be lost for all the wrong reasons."

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Task force report urges special ed mandates be frozen

By Joan Muraro
Copley News Service

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SPRINGFIELD — The number of children in special education classes in Illinois rose by 2.69 percent between 1977-81, while costs for the program rose by 28.7 percent.

Such is one of several findings aired after a state task force studying special education in Illinois.

During the same period, the figures show the number of children classified as "learning-disabled" rose by 23,811, while those with obvious physical handicaps dropped by 4,407 and the total number of those classified as mentally impaired fell by 8,000. The task force theorized the shifts may reflect changes in the way students are classed.

The figures released by the task force show 239,062 special education students in Illinois in 1980-81, with a total state appropriation of $234.55 million, compared to $182.25 million for 232,763 students in 1977-78.

THE SPECIAL study group urged a two-year halt to any new federal or state special education mandates "since the amount of legislation passed during a relatively short period of time has contributed to legitimate problems and complaints."

The moratorium would allow time to revise statues and rules, the group held.

The report is the result of a three-month study of the impact of the current Illinois special education program on students, their families, local school districts and the state at large.

The group found that Illinois is meeting its responsibility to provide a "free appropriate public education for every handicapped child," but took issue with current requirements that this education be provided in "the least restrictive environment."

The task force recommended that current requirements for summer school for the handicapped be dropped.

It also urged that the state narrow the scope of services provided, define medical services, specify what fees—such as lab, book or record-copying costs—should be paid by parents, and take steps to secure payment from third parties, such as insurance companies.

CONSIDERATION should be given, the task force report added, to lower the age range for handicapped children in the program to 1 or younger, with intensified screening efforts to identify such children as early as possible. But the group noted there is no evidence of benefits to children who remain in the program after age 19.

The group found there is an "overrepresentation" of black children in educable mentally handicapped (EMH) classes, and an over-

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representation of white children in learning disabled classes. It urged research into why these disparities exist.

The most recent figures available show that 72 percent of all Illinois school children are white and slightly more than 20 percent are black, and figures stay comparatively constant on enrollment in special education courses (73 percent of all special education children are white and slightly less than 20 percent are black).

But more than 46 percent of those classified as EMH and 15.4 percent of those considered learning disabled are black, while 50 percent of the EMH children and 80 percent of the learning disabled are white.

THE STUDY OF special education is the first of five such studies urged in September, when the State Board of Education adopted a plan calling for "careful and deliberative study" of mandates placed on elementary and secondary education in the state.

The other four—on curriculum, physical education, driver education and bilingual education—will be submitted to the board in January and February.

The task force basically considered four questions:

- Should special education be mandated?
- If so, who should be served?
- With what services should they receive?
- Who should be responsible for providing these services?
- How should the state regulate its interests in special education?

THE TASK FORCE concluded:

- There is a need for a special education mandate but it should be modified.
- Age limits for providing services should be lowered, but consideration should be given to the upper age limits.
- More than 30 related services are offered to the handicapped, but the state lacks criteria for monitoring whether these are directly related to instruction.

In considering who should be responsible for special education services, the task force recommended narrowing the current scope of related services to include only those essential to instruction of the handicapped.

THE GROUP urged defining medical services relative to instruction, and defining responsibility for residency and enrollment so that the state board is financially responsible only for Illinois students.

Conditions for providing services to pupils in parochial schools should be delineated, the task force said, "so that public school districts pay only for special education and related services" for such pupils.

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Chicago Tribune, Tuesday, November 24, 1981 Section 1 — 7

Judge orders schools to pay teen-ager's psychiatric bills

By Jean Latz Griffin

IN THE FIRST case of its kind in Illinois, a Lake County Circuit Court judge ruled Friday that public schools must pay the psychiatric bills of a suicidal teen-ager.

Judge Bernard Drew Jr. ruled that the Wauconda elementary schools and the Special Education District of Lake County (SEDOL) had to pay for the diagnosis, psychotherapy, and residential schooling of the 18-year-old girl, Claudia, until she is 22. The youth is described as an abused child with a history of suicide attempts and multiple personality.

School attorneys argued that it wasn't the school's responsibility under the Federal Education of All Handicapped Children Act of 1975 to "stabilize an acutely suicidal child." The case was a test of the limits of the act and the degree to which public schools could be held responsible for the mental health of all school children.

DREW SAID he had sympathy with the arguments made by the schools and for the tough financial situation created by his decision.

Drew had ruled in July that Claudia's educational needs couldn't be separated from her mental problems and ordered the schools to find a treatment facility for her by Aug. 28.

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Appendix C

Organization or Category Providing Testimony at Two Public Hearings	Number
1. Advisory Board on Services for Deaf/Blind Individuals	1
2. Illinois Alliance for Exceptional Children and Adults	1
3. State Advisory Council on the Education of Handicapped Children	1
4. Chicago Coordinating Council on Handicapped Children	1
5. Chicago Archdiocese for Lake and Cook County	1
6. Higher Education Advisory Council	1
7. Advocates for the Handicapped	1
8. Parents Alliance in North Suburban Special Education Association	1
9. Children's Mental Health Coalition	1
10. Illinois Physical Therapy Association	1
11. Illinois Association of School Social Workers	1
12. Illinois Administrators of Special Education	2
13. Illinois Federation of Teachers	1
14. Illinois Association of School Administrators	1
15. Illinois Speech, Hearing and Language Association	1
16. Illinois Association of School Nurses	1
17. Large Unit District Association	1
18. Illinois Association for Retarded Citizens	1
19. Illinois Developmental Disabilities Advocacy Hearing Authority	1
20. United Cerebral Palsy of Lincolnland	1
21. Illinois Council for Exceptional Children	1
22. Illinois Special Education Legislative Association	1
23. Illinois Association of Children with Learning Disabilities	1
24. Illinois School Psychologists Association	1
25. Program or Regional Coordinators, Directors, or Private Providers	22
26. Special Education Organization	1
27. National Association for Down's Syndrome	1
28. ED RED (Consortium 117 suburban school districts)	1
29. Parents	13
30. Superintendents	4
31. Social Worker	1
32. Lawyer	1
33. University Professors	2
34. Hearing Officers	2
35. Students	5
36. Handicapped Adult	1
37. Board of Education Member	1
58 Total	80

Appendix D: Sources of Additional Comment

1. Illinois Principals Association
2. Illinois School Boards Association
3. Department of Children and Family Services
4. Governor's Purchased Care Review Board
5. Department of Public Health
6. Illinois School for the Deaf
7. Illinois School for the Visually Impaired
8. Department of Public Aid

IASA RESPONSE FORM
Special Education Mandates: A Preliminary Report

PURPOSE: On November 21, 1981, the Planning and Policy Committee, State Board of Education, accepted for review a preliminary report on the study of special education mandates. The IASA Liaison Committee to the State Superintendent agreed to obtain reactions to the Report from district superintendents in the IASA divisions.

DIRECTIONS: Please complete this form and return it to your IASA Division representative by January 15, 1982, so your reactions can be compiled and reported to the State Board of Education. Completion of this form does not preclude your testifying or submitting further testimony on this report to the State Board of Education.

1. *GENERAL:*
Please indicate the extent to which you agree or disagree with this statement:

In general, I support the findings and recommendations in the Preliminary Report on Special Education Mandates.

Check one:
☐ Strongly Agree ☐ Agree ☐ Uncertain ☐ Disagree ☐ Strongly Disagree

2. *SPECIFIC:*
I recommend the following changes be made in the Report:

☐ None

Page Number	Topic	Changes Which Should be Made or Considered
___	_____	_____
___	_____	_____
___	_____	_____
___	_____	_____

3. *COMMENTS:*

_____ _____

Signature of District Superintendent *District Name and Number*

RETURN TO IASA REPRESENTATIVE IN YOUR DIVISION BY JANUARY 15, 1982

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